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सं. 50] नई दिल्ली, शनिवार, दिसम्बर 11, 1993/अग्रहायण 20, 1915
No. 50] NEW DELHI, SATURDAY, DECEMBER 11, 1993/AGRAHAYANA 20, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government
of India (other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(विधि कार्य विभाग)

(Department of Legal Affairs)

(विधायी शाखा)

(Judicial Section)

सूचना

NOTICE

नई दिल्ली, 20 अक्टूबर, 1993

New Delhi, the 20th October, 1993

का. आ. 2646.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राधे श्याम शर्मा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे हापुड़, जिला गाज़ियाबाद (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

S.O. 2646.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Radhey Shyam Sharma Advocate for appointment as a Notary to practise in Hapur, Distt. Ghazlabad (U.P.)

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[सं. 5(70)/93-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

[No. 5(70)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 22 अक्टूबर 1993

का. आ. 2647.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री आर. जी. जोशी एडवोकेट, ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बेलगांव, शनीवार खूट, बेल गांव (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(74)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 22nd October, 1993

S.O. 2647.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. R.G. Joshi Advocate for appointment as a Notary to practise in Belgaum, Shanibar Khoot, Belgaum (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(74)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 1 नवम्बर, 1993

का. आ. 2648.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एस. एम. एन. नकवी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सम्पूर्ण भारत में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(115)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 1st November, 1993

S.O. 2648.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri S.M.N. Naqvi, Advocate for appointment as a Notary to practise in Whole of India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(115)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 2 नवम्बर, 1993

का. आ. 2649.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सतनाम पाल कम्बोज एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे डिस्ट्रिक्ट कोर्ट फिरोज़पुर (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(117)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 2nd November, 1993

S.O. 2649.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Satnam Paul Kamboj, Advocate for appointment as a Notary to practise in District Courts Ferozepur (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(117)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 2 नवम्बर, 1993

का. आ. 2650.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री विजय पाल एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए किया है कि उसे गाँव व डाकखाना महिपालपुर (दिल्ली) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(116)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 2nd November, 1993

S.O. 2650.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Vijay Pal Advocate, for appointment as a Notary to practise in Village & P.O. Mahipalpur, (Delhi).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(116)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 3 नवम्बर, 1993

का. आ. 2651.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मिथलेश कुमार शांडिल्य एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अलीगढ़ (उत्तर प्रदेश) में, व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(118)/93-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 3rd November, 1993

S.O. 2651.—Notice is hereby given by the Competent Authority in pursuance of Rule 5 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Mithlesh Kumar Shandilya, Advocate for appointment as a Notary to practise in Aligarh (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(118)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 9 नवम्बर, 1993

का. आ. 2652.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री के. रविन्द्र कुमार एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे डोरनाकल रोड, विजयवाड़ा (आंध्र प्रदेश) व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(122)/93-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 9th November, 1993

S.O. 2652.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Kanakenedala Ravindra Kumar Advocate for appointment as a Notary to practise in Dornakal Road Vijaywada (Andhra Pradesh).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(122)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 11 नवम्बर, 1993

का. आ. 2653.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री के. एम. भाटिया, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे खार (पश्चिम) बम्बई, महाराष्ट्र में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(125)/93-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 11th November, 1993

S.O. 2653.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri K. M. Bhatia, Advocate for appointment as a Notary to practise in Khar (W) Bombay, Maharashtra.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(125)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 23 नवम्बर, 1993

का. आ. 2654.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सुभाष चन्द्र एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मुक्तसर (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(41)/93-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 23rd November, 1993

S.O. 2654.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Subhash Chandra Advocate for appointment as a Notary to practise in Muktar (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(41)/93-Judl.]

P. C. KANNAN, Competent Authority

कामिक, लोक शिकायत तथा पेंशन मंत्रालय

(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 12 नवम्बर, 1993

का.ग्रा. 2655.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 12 मार्च, 1993 को बम्बई जिला शहर तथा बम्बई उपनगरीय जिला क्षेत्रों में हुए बम विस्फोटों और किसी अन्य अपराधों के संबंध में रजिस्टर किए गए निम्नलिखित अपराधों/मामलों के आगे और अन्वेषण के लिए महाराष्ट्र शासन गृह विभाग आदेश सं. ई.ए.आर-0393/सी-264/सी-342-पोल.-9, दि. 9-11-93 के तहत महाराष्ट्र सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण महाराष्ट्र राज्य पर करती है :—

बम्बई बम विस्फोट कांड

1. बी.सी.बी.	सी.आई.डी.	सी.आर. सं.	70/93
2.	-वही-	सं.	71/93
3.	-वही-	सं.	72/93
4.	-वही-	सं.	73/93
5.	-वही-	सं.	75/93
6.	-वही-	सं.	77/93
7.	-वही-	सं.	108/93
8.	-वही-	सं.	109/93
9.	-वही-	सं.	110/93
10.	-वही-	सं.	111/93
11.	-वही-	सं.	112/93
12.	-वही-	सं.	114/93
13.	-वही-	सं.	115/93
14.	-वही-	सं.	116/93
15.	-वही-	सं.	117/93
16.	-वही-	सं.	118/93
17.	-वही-	सं.	132/93
18.	-वही-	सं.	133/93
19.	-वही-	सं.	134/93
20.	-वही-	सं.	135/93
21.	-वही-	एल.ए.सी. सं.	15/93
22.	-वही-	सं.	18/93
23.	-वही-	सं.	20/93
24.	-वही-	सं.	21/93
25.	-वही-	सं.	22/93
26.	-वही-	सं.	23/93
27.	-वही-	सं.	32/93

(ख) ऊपर वर्णित अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले बड़े ही संख्यावारों के अनुक्रम में किए गए किसी

अन्य अपराध या अपराधों के संबंध में या उनसे संसक्त प्रयत्न, सुप्रेरण और षड्यंत्र ।

[सं. 228/77/93-ए बी डी-II]

पराग प्रकाश, उप सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel & Training)

New Delhi, the 12th November, 1973

S.O. 2655:—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Maharashtra Home Department Order No. EAR-0393/C-264/C-342-POL-9, dated 9-11-93 hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Maharashtra for further investigation of the following offences/cases :—

BOMBAY BOMB BLAST CASES

1. D.C.B.	C.I.D.	C.R.	No. 70/93
2.	-do-		No. 71/93
3.	-do-		No. 72/93
4.	-do-		No. 73/93
5.	-do-		No. 75/93
6.	-do-		No. 77/93
7.	-do-		No. 108/93
8.	-do-		No. 109/93
9.	-do-		No. 110/93
10.	-do-		No. 111/93
11.	-do-		No. 112/93
12.	-do-		No. 114/93
13.	-do-		No. 115/93
14.	-do-		No. 116/93
15.	-do-		No. 117/93
16.	-do-		No. 118/93
17.	-do-		No. 132/93
18.	-do-		No. 133/93
19.	-do-		No. 134/93
20.	-do-		No. 135/93
21.	-do-	L.A.C.	No. 15/93
22.	-do-		No. 18/93
23.	-do-		No. 20/93
24.	-do-		No. 21/93
25.	-do-		No. 22/93
26.	-do-		No. 23/93
27.	-do-		No. 32/93

registered in connection with Bomb blasts occurred in the areas of the City of Bombay District and the Bombay Suburban District on the 12th March, 1993 and any other offences.

(b) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/77/93-AVD-II]

PARAG PRAKASH, Dy. Secy.

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2656.—केन्द्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा मजिस्ट्रेट, विशेष मजिस्ट्रेट, सेशन जज, अनुसूचित जाति और अनुसूचित जनजाति (पर अत्याचार की रोकथाम) अधिनियम, 1989 के अन्तर्गत सेशन जज तथा विशेष सेशन जज, जयपुर, भरतपुर के न्यायालयों में दिल्ली विशेष पुलिस स्थापन नियमित मामलों यथा आर.सी.-1 (एस.)/92-एस.आई.यू.-2/एस.आई.सी-1 से 16(एस)/92-एस.आई.यू.-2/एस.आई.सी.-1 तक के संचालन तथा राजस्थान राज्य में अपील और पुनरीक्षण न्यायालयों में इन मामलों में संबंधित अन्य कार्यवाहियों के संचालन के लिये जयपुर के श्री मुकट विहारी शर्मा, एडवोकेट को विशेष लोक अभियोजक नियुक्त करती है। श्री मुकट विहारी शर्मा, एडवोकेट उक्त वर्णित मामलों में कुम्भेर जांच आयोग के समक्ष दिल्ली विशेष पुलिस स्थापन की ओर से भी उपस्थित होंगे।

[सं. 225/28/93-ए.वी.डी.-II]

पराग प्रकाश, उप सचिव

New Delhi, the 17th November, 1993

S.O. 2656.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Mukat Behari Sharma, Advocate Jaipur as Special Public Prosecutor for conducting prosecution of Delhi Special Police Establishment regular cases viz. RC.I(S)/92-SIU. II/S.I.C.I. to 16(S)/92-SIU.II/S.I.C.I in the Courts of Magistrate, Special Magistrates, Sessions Judge, Sessions Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Special Session Judges at Jaipur, Bharatpur and also in other proceedings arising out of these cases in appellate and revisional courts in State of Rajasthan, Shri Mukat Behari Sharma, Advocate will also appear on behalf of Delhi Special Police Establishment in the above mentioned cases before Kumbher Commission of Inquiry.

[No. 225/28/93-AVD. II]

PARAG PRAKASH, Dy. Secy.

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2657.—केन्द्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा दिल्ली उच्च न्यायालय में दिल्ली विशेष पुलिस स्थापना नियमित मामला संख्या 11/75-सी.आई.ए. (1)/ए.सी.यू. (6) में वाण्डिक अपील संख्या 436/76-रंजन द्विवेदी बनाम

राज्य तथा वाण्डिक अपील संख्या 443/76-संतोषानन्द अवधूत एवं एक अन्य बनाम राज्य और इन अपीलों से संबंधित अन्य कार्यवाहियों के संचालन के प्रयोजन के लिये श्री पी.के. चौबे, एडवोकेट, वाराणसी, उत्तर प्रदेश को विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/25/93-ए.वी.डी.-II]

आर.एस. विण्ट, अव्वर सचिव

New Delhi, the 12th November, 1993

S.O. 2657.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974) the Central Government hereby appoints Shri P. K. Chaube, Advocate, Varanasi, U.P. as Special Public Prosecutor for the purpose of conducting the criminal appeal No. 436/76 Ranjan Divedi Vs. State and Criminal appeal No. 443/76 Santosh Auand Avdhut and Another Vs. State and also other proceedings out of these appeals in Delhi Special Police Establishment Regular case No. 11/75-CIA(I)/ACU(VI), in the High Court of Delhi,

[No. 225/25/93-AVD-II]

R. S. BISHT, Under Secy.

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2658.—केन्द्रीय सरकार दंड प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा अपर मुख्य न्यायिक मजिस्ट्रेट, लखनऊ/अपर सेशन जज, लखनऊ (अथ लखनऊ स्थित दोनों विशेष न्यायालयों) के न्यायालय में अयोध्या में विवादित ढांचे के विध्वंस से संबंधित दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित आर सी 8(एस)/92-एसआईसी-4 के अभियोजन और भारत के किसी राज्य अथवा संघ शासित क्षेत्र में विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में, गिन पर ऊपर कथित धारा के उपबंध लागू होते हैं, इस मामले से उत्पन्न अपीलों, पुनरीक्षणों अथवा अन्य मामलों के संचालन के लिये श्री के.टी.एस. तुलसी, भारत के अपर महा-मानिमीटर, सर्वोच्च पी.के. चौबे, आलोक कुमार सेन गुप्ता, अरुण मिश्रा, अरुण कुमार मिसल अधिवक्ताओं को विशेष लोक अभियोजकों के रूप में नियुक्त करती है।

[सं. 225/17/93-ए.वी.डी.-II]

आर.एस. विण्ट, अव्वर सचिव

New Delhi, the 17th November, 1993

S.O. 2658.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri K. T. S. Tulsi, Additional Solicitor General of India, S/Shri P. K. Chaube, Alok Kumar Sen Gupta, Arun Sinha, Arun Kumar Mittal, Advocates as Special Public Prosecutors for conducting prosecution of RS.8(S)/92-SIC.IV Demolition of disputed structure at Ayodhya instituted by Delhi Special Police Establishment in the Court of Additional Chief Judicial Magistrate, Lucknow/Additional Sessions Judge, Lucknow (both Special Courts at Lucknow now) and appeals, revisions or other matters arising out of this case in revisional or appellate courts, established by law in any State or Union Territory of India to which the provisions of the aforesaid section apply.

[No. 225/17/93-AVD.II]

R. S. BISHT, Under Secy.

अदेश

नई दिल्ली, 23 नवम्बर, 1993

का.आ. 2659—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आदेश सं. एफ-5 (16) गृह-11/91, तारीख 10-5-1991 द्वारा दी गई राजस्थान राज्य सरकार की सहमति से, प्राप्त सूचना रिपोर्ट सं. 70/91 के बारे में, भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 147/149/307/302/336 के अधीन दंडनीय अपराधों का अन्वेषण करने और जयपुर शहर, मोती डूंगरी स्थित पुलिस स्टेशन में रजिस्ट्रार प्रथम सूचना रिपोर्ट सं. 71/91 के बारे में भारतीय दंड संहिता, 1960 (1860 का 45) की धारा 141/148/149/307/435/336 के अधीन दण्डनीय अपराधों के अन्वेषण के लिये तथा उन्हीं तथ्यों से उद्भूत होने वाले जैसे ही संव्यवहार के अनुक्रम में किये गये किन्हीं अन्य अपराधों के संबंध में या उनसे संसक्त प्रयत्नों, दुष्प्रेरणों और पद्धतियों के अन्वेषण के लिये दिल्ली विशेष पुलिस स्थापन क सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण राजस्थान राज्य पर करती है।

[सं. 228/29/91-ए की डी-II]

आर.एस. बिष्ट, अवसर सचिव

ORDER

New Delhi, the 23rd November, 1993

S.O. 2659.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the Consent of the State Government of Rajasthan accorded vide Order No. F-5(16) Home-11/91 dated 10-5-1991 hereby extends the Powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Rajasthan for investigation of offences punishable under Sections 147/149/307/302/336 of Indian Penal Code, 1860 (56 of 1860) in regard to FIR No. 70/91 and investigation of offences punishable under Sections 147/148/149/307/435/336 of Indian Penal Code, 1860 (45 of 1860) in regard to FIR No. 71/91 registered at Police Station, Moti Doongri, Jaipur City and attempts, abetments and conspiracies in relation to, or in connection with the said offences and any other offences committed in the course of the same transaction arising out of the same facts.

[No. 228/29/91-AVD-II]

R. S. BISHT, Under Secy.

वित्त मंत्रालय

(राज्य विभाग)

नई दिल्ली, 11 नवम्बर, 1993

(आय कर)

का.आ. 2660—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80जी की उपधारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार

एतद्वारा “श्री बीर भद्र स्वामी और दुर्गा पापनाभेश्वर स्वामी मन्दिर, लेपाक्षी, जिला अनन्तपुर” को उक्त खंड के प्रयोजनार्थ पूरे आन्ध्र प्रदेश राज्य में एक विख्यात सार्वजनिक पूजास्थल के रूप में अधिसूचित करती है।

[अधिसूचना सं. 9405/फा.सं. 176/22/93-
आय-कर (नि.-1)]

शरत चन्द्र, अवसर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 11th November, 1993

(INCOME-TAX)

S.O. 2660.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Sri Veera Bhadra Swami and Durga Papanaseswara Swamy Temple, Lepakshi, Anantapur Distt.” to be a place of public worship of renown throughout the State of Andhra Pradesh for the purpose of the said section.

[Notification No. 9405/F. No. 176/23/93-IT A-I]

SHARAT CHANDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बीकिंग प्रभाग)

नई दिल्ली, 18 नवम्बर, 1993

का.आ. 2661.—यतः, बैंककारी विनियमन अधिनियम, 1949 की धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उसके अनुसार केन्द्रीय सरकार ने बैंक आफ बिहार लि., पटना के भारतीय स्टेट बैंक के साथ विलय के लिए 5 नवम्बर, 1969 को एक योजना मंजूर की थी ;

यतः, उक्त योजना के खण्ड 6 के उपखण्ड (IX) के अधीन भारतीय स्टेट बैंक द्वारा बैंक आफ बिहार लिमिटेड की परिसंपत्तियों का, जिनका नियत तारीख को अन्तिम रूप से मूल्यांकन कर लिया गया है, नियत तारीख से बाढ़ू यर्गों की समाप्ति के पश्चात् अन्तिम रूप से मूल्यांकन किया जाना अपेक्षित था ;

यतः, भारतीय स्टेट बैंक ने यह अभ्यावहन किया है कि यकीन संख्या में परिसंपत्तियाँ अन्तर्ग्रस्त होने और बैंक के प्रयासों के बावजूब अधिकांश मदों की वसूलियाँ अभी बाकी होने के कारण बैंक, विलय योजना के खण्ड 6 के उपखण्ड (IX) में विनिर्दिष्ट समय के भीतर परिसंपत्तियों का अन्तिम रूप से मूल्यांकन करने में असमर्थ रहा है ;

और यतः, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करत पर इस बात से संतुष्ट है कि विलय योजना का लागू करने में कठिनाई पैदा हो गई है और उतना समय बढ़ाकर जितने में परिसंपत्तियों का अन्तिम रूप से मूल्यांकन अपेक्षित है, उक्त कठिनाई को दूर करना जरूरी है ;

अतः अब, बैंक आफ बिहार लिमिटेड, पटना का भारतीय स्टेट बैंक के साथ विलय की 5 नवम्बर, 1969 की विलय योजना

के खण्ड 20 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि भारतीय स्टेट बैंक, भारतीय रिजर्व बैंक के परामर्श से तथा उसके अनुमोदन से बैंक आफ बिहार लिमिटेड, पटना की उन परिसंपत्तियों का, जिनकी वसूली और मूल्यांकन नहीं हुआ है, नियत तारीख से पच्चीस वर्षों की अवधि के भीतर मूल्यांकन करेगा।

[संख्या 17-2/83-बी०ओ०-3]

के०के० मंगल, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 18th November, 1993

S.O. 2661.—Whereas on 5th November, 1969, a scheme of amalgamation of the Bank of Behar Ltd. Patna, with the State Bank of India was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with Section 45 of the Banking Regulation Act, 1949;

Whereas under sub-clause (ix) of clause 6 of the said Scheme, the State Bank of India was required to make a final valuation of the assets of the Bank of Behar Ltd. which have been provisionally valued on the prescribed date, on the expiry of twelve years from the prescribed date;

Whereas the State Bank of India has represented that in view of large number of assets involved and the recovery of most of the items yet to be realised in spite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (ix) of clause 6 of the scheme of amalgamation;

And whereas the Central Government, after consultation with the Reserve Bank of India, is satisfied that a difficulty has arisen in giving effect to the scheme of amalgamation which it is necessary to remove by extending the time within which the final valuation of assets is required to be made;

Now, therefore, in exercise of the powers conferred by clause 20 of the scheme of amalgamation dated 5th November, 1969 of the Bank of Behar Ltd., Patna, with the State Bank of India, the Central Government hereby directs that the State Bank of India shall, in consultation with and with the approval of the Reserve Bank of India, value the assets of the Bank of Behar Ltd., Patna which have not been realised and valued, within a period of twenty-five years from the prescribed date.

[No. 17/2/83-BO.III]

K. K. MANGAL, Under Secy.

नई दिल्ली, 18 नवम्बर, 1993

क्र०आ० 2662:—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ संशोधित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा श्री एच० दिनेश नायक, वर्तमान महाप्रबंधक, केनरा बैंक, को उनके कार्यभार ग्रहण करने की तारीख से 31 अक्तूबर, 1995 तक के लिए, इंडियन बैंक के पूर्ण कालिक निदेशक (कार्यकारी निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं० एफ० 9/26/93-बी०ओ०-1]

एम०एस० सीतारामन, अवसर सचिव

New Delhi, the 18th November, 1993

S.O. 2662.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri H. Dinesh Nayak, presently General Manager, Canara Bank, as a whole-time Director (designated as the Executive Director) of Indian Bank for a period from the date of his taking charge and upto 31st October, 1995.

[F. No. 9/26/92-B.O.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 23 नवम्बर, 1993

क्र०आ० 2663:—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना, 1970 के खण्ड 3 के उपखण्ड (छ) के अनुसरण में केन्द्रीय सरकार, एतद्द्वारा श्रीमती श्यामला गोपीनाथ संयुक्त मुख्य अधिकारी, बैंकिंग परिचालन और विकास विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, ब्रम्हई को श्री एम० स्वामीनाथन के स्थान पर बैंक आफ महाराष्ट्र में निदेशक के रूप में नियुक्त करती है।

[सं० एफ० 9/4/93-बी०ओ०-1(i)]

एम०एस० सीतारामन, अवसर सचिव

New Delhi, the 23rd November, 1993

S.O. 2663.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Smt. Shyamala Gopinath, Joint Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Central Office, Bombay as a Director of Bank of Maharashtra vice Shri S. Swaminathan.

[F. No. 9/4/93-B.O. 1(i)]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 23 नवम्बर, 1993

क्र०आ० 2664:—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना, 1980 के खण्ड 3 के उपखण्ड (छ) के अनुसरण में केन्द्रीय सरकार, एतद्द्वारा श्री आर० रामानुजम, संयुक्त मुख्य अधिकारी, बैंकिंग परिचालन और विकास विभाग, भारतीय रिजर्व बैंक, नई दिल्ली को श्री पी०वाई० पाध्ये के स्थान पर पंजाब एण्ड सिंध बैंक में निदेशक के रूप में नियुक्त करती है।

[सं० एफ० 9/4/93-बी०ओ०-1(ii)]

एम०एस० सीतारामन, अवसर सचिव

New Delhi, the 23rd November, 1993

S.O. 2664.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri R. Ramanujam, Joint Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, New Delhi as a Director of Punjab & Sind Bank vice Shri P. Y. Padhye.

[F. No. 9/4/93-B.O. 1(ii)]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 23 नवम्बर, 1993

New Delhi, the 15th November, 1993

का.आ. 2665:—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 4(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, राष्ट्रीय कृषि और ग्रामीण विकास बैंक की पूंजी को एक सौ करोड़ रुपये से एक सौ बीस करोड़ रुपये तक बढ़ाती है।

[एफ सं० 7(46)/93-ए०सी०]

पी० के० तेजयान, अवर सचिव

New Delhi, the 23rd November, 1993

S.O. 2665.—In exercise of the powers conferred by Section 4(1) of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with the Reserve Bank of India, increases the capital of the National Bank for Agriculture and Rural Development from one hundred crores of rupees to one hundred and twenty crores of rupees.

[F. No. 7(46)/93-AC]

P. K. TEJYAN, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 15 नवम्बर, 1993

का.आ. 2666:—राजनयिक कौंसुली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास बैंकाक में सहायक श्री एस० पी० डांगरी, को 1-9-93 से कौंसुली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं० टी-4330/1/93]

धर्मपाल, अवर सचिव (कौंसुली)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 15th November, 1993

S.O. 2666.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri S. P. Daangri, Assistant, in Embassy of India, Bangkok to perform the duties of Consular Agent with effect from 01-09-93.

[No. T-4330/1/93]

DHARAM PAUL, Under Secy. (Consular)

नई दिल्ली, 15 नवम्बर, 1993

का. आ. 2667.—राजनयिक कौंसुली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का उच्चायोग लागोस में सहायक श्री वी. के. वर्मा को 1-9-93 से कौंसुली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं० टी-4330/1/93]

धर्मपाल, अवर सचिव (कौंसुली)

S.O. 2667.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri V. K. Verma, Assistant, in the High Commission of India, Lagos to perform the duties of Consular Agent with effect from 01-09-93.

[No. T-4330/1/93]

DHARAM PAUL, Under Secy. (Consular)

नई दिल्ली, 15 नवम्बर, 1993

का.आ. 2668.—राजनयिक कौंसुली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का उच्चायोग सिंगापुर में सहायक श्री जानकी रमन को 1-9-93 से कौंसुली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं० टी-4330/1/93]

धर्मपाल, अवर सचिव (कौंसुली)

New Delhi, the 15th November, 1993

S.O. 2668.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Janaki Raman, Assistant, in the High Commission of India, Singapore to perform the duties of Consular Agent with effect from 01-09-93.

[No. T-4330/1/93]

DHARAM PAUL, Under Secy. (Consular)

नई दिल्ली, 15 नवम्बर, 1993

का. आ. 2669.—राजनयिक कौंसुली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास रियाध में सहायक श्री घनश्याम को 1-9-93 से कौंसुली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं० टी-4330/1/93]

धर्मपाल, अवर सचिव (कौंसुली)

New Delhi, the 15th November, 1993

S.O. 2669.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Ghanshyam, Assistant in Embassy of India, Riyadh to perform the duties of Consular Agent with effect from 01-09-93.

[No. T-4330/1/93]

DHARAM PAUL, Under Secy. (Consular)

नई दिल्ली, 15 नवम्बर, 1993

का.आ. 2670.—राजनयिक कौंसुली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास रियाध में सहायक श्री आ. क. शामन्ता और

श्री पी. के. गुप्ता को 2-4-93 को कोसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी.-4330/1/93]

धर्मपाल, प्रवर सचिव (कोसली)

New Delhi, the 15th November, 1993

S.O. 2670.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri A. K. Samanta and Shri P. K. Gupta in the Embassy of India, Riyadh to perform the duties of Consular Agent with effect from 02-4-93.

[No. T-4330/1/93]

DHARAM PAUL, Under Secy. (Consular)

नई दिल्ली, 15 नवम्बर, 1993

का. प्रा. 2671.—राजनयिक कोसली अधिकारी (गणप एवं शुल्क) अधिनियम 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का उच्चायोग लुसाका में सहायक श्री नरेन्द्र शर्मा को 1-9-93 से कोसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी.-4330/1/93]

धर्मपाल, प्रवर सचिव (कोसली)

New Delhi, the 15th November, 1993

S.O. 2671.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri Narinder Sharma, Assistant in the High Commission of India, Lusaka to perform the duties of Consular Agent with effect from 01-09-93.

[No. T-4330/1/93]

DHARAM PAUL, Under Secy. (Consular)

वाणिज्य मंत्रालय

नई दिल्ली, 22 नवम्बर, 1993

का. प्रा. 2672.—निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार यहाँ उपाबद्ध अनुसूची में वर्णित अकार्बनिक वर्णकों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स इन्स्पेक्शन सर्वे एवं एंड सर्विलेंस (इंडिया) प्रा. लि. 26, डी/27 पार्क लेन कलकत्ता-700016 को 6 अक्तूबर, 1993 से तीन और वर्षों की अवधि के लिए निम्न शर्तों के अधीन अधिकरण के रूप में मान्यता देती है, अर्थात् :—

- (i) मैसर्स इन्स्पेक्शन सर्वे एवं एंड सर्विलेंस (इंडिया) प्रा. लि., निर्यात निरीक्षण परिपद् द्वारा इस संबंध में नामित अधिकारियों को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि अकार्बनिक वर्णकों के निर्यात

निरीक्षण नियम 1966 के नियम 4 के अन्तर्गत निरीक्षण प्रमाण पत्र दिया जा सके।

- (ii) मैसर्स इन्स्पेक्शन सर्वे एवं एंड सर्विलेंस (इंडिया) प्रा. लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों से आबद्ध होगा जो निदेशक (निरीक्षण तथा क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

अनुसूची

1. जिंक आक्साइड
2. लाल सीसा
3. सफेद सीसा

[फा. सं. 5(1)/88-ई आई एंड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 22nd November, 1993

S.O. 2672.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 6th October, 1993, M/s. Inspection Survey and Surveillance (India) Private Limited, 26-D/27, Park Lane, Calcutta-700 016 as an agency for the inspection of Inorganic Pigments specified in schedule annexed hereto, prior to export, subject to the following conditions namely :—

- (i) that M/s. Inspection Survey & Surveillance (India) Private Limited, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Pigments (Inspection) Rules, 1966;
- (ii) that M/s. Inspection Survey and Surveillance (India) Private Limited, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

SCHEDULE

1. Zinc Oxide
2. Red Lead
3. White Lead

[F. No. 5(1)/88-EI&EPI]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 22 नवम्बर, 1993

का. प्रा. 2673.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. प्रा. 1270 तारीख 25 मार्च, 1966 के साथ संलग्न अनुसूची - II में विनिर्दिष्ट अकार्बनिक रसायनों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स इन्स्पेक्शन सर्वे एवं एंड सर्विलेंस (इंडिया) प्रा. लि., 26डी/27, पार्क लेन, कलकत्ता - 700016 को 6 अक्तूबर, 1993 से तीन और वर्षों की अवधि के लिए

निम्न शर्तों के अधीन अभिकरण के रूप में मान्यता देती है,
अर्थात् :—

- (i) मैसर्स इन्स्पेक्शन सर्वे एंड सर्विलेंस (इंडिया) प्रा. लिमिटेड निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारियों को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि अकार्बनिक रसायनों का निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के अन्तर्गत निरीक्षण प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स इन्स्पेक्शन सर्वे एंड सर्विलेंस (इंडिया) प्रा. लिमिटेड, इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय समय पर लिखित रूप में देंगे।

[फा. सं. 5 (1)/88-ई आई एंड ई पी]
कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 22nd November, 1993

S.O. 2673.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years, with effect from 6th October, 1993, M/s. Inspection Survey and Surveillance (India) Private Limited 26D/27, Park Lane, Calcutta-700 016 as an agency for inspection of Inorganic Chemicals specified in Schedule-II annexed to the notification of the Government of India in the Ministry of Commerce No. S.O. 1270 dated the 25th March, 1966 prior to export subject to the following conditions namely :—

- (i) that M/s. Inspection Survey and Surveillance (India) Private Limited shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Chemicals (Inspection) Rules, 1966;
- (ii) that M/s. Inspection Survey and Surveillance (India) Private Limited in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5(1)/88-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 22 नवम्बर, 1993

फा.सं. 2674:—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार डले लोहे के मैनहोल के ढक्कन तथा फ्रेमों का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स इन्स्पेक्शन सर्वे एंड सर्विलेंस (इंडिया) प्रा. लिमिटेड, 26डी/27, पार्क लेन, कलकत्ता - 700016 को 06 अक्टूबर, 1993 से तीन और वर्षों की अवधि के लिए

निम्न शर्तों के अधीन अभिकरण के रूप में मान्यता देती है,
अर्थात् :—

- (i) मैसर्स इन्स्पेक्शन सर्वे एंड सर्विलेंस (इंडिया) प्रा. लिमिटेड निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि डले लोहे के मैनहोल के ढक्कनों तथा फ्रेमों के निर्यात (निरीक्षण) नियम, 1971 के नियम 4 के अन्तर्गत निरीक्षण प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स इन्स्पेक्शन सर्वे एंड सर्विलेंस (इंडिया) प्रा. लिमिटेड, इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय समय पर लिखित रूप में दें।

[फा. सं. 5 (1)/88-ई आई एंड ई पी]
कुमारी सुमा सुब्बण्णा, निदेशक

New Delhi, the 22nd November, 1993

S.O. 2674.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 6th October, 1993, M/s. Inspection Survey and Surveillance (India) Private Limited, 26 D/27, Park Lane, Calcutta-700 016 as an agency for inspection of Cast Iron Manhole Covers and Frames, prior to export, subject to the following conditions namely :—

- (i) that M/s. Inspection Survey and Surveillance (India) Private Limited shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Cast Iron Manhole Covers and Frames (Inspection) Rules, 1971;
- (ii) that M/s. Inspection Survey and Surveillance (India) Private Limited, in the performance of their function under this notification, shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5(1)/88-EI&EP]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 22 नवम्बर, 1993

फा.सं. 2675:—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इससे उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज तथा ग्रयस्क (ग्रुप-II) का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स इन्स्पेक्शन सर्वे एंड सर्विलेंस (इंडिया) प्रा. लि., 26डी/27 पार्क लेन, कलकत्ता-700086 को 6 अक्टूबर, 1993 से

तीन और वर्षों की अवधि के लिए निम्न शर्तों के अधीन अभिकरण के रूप में मान्यता देती है, अर्थात् :—

(1) मैसर्स इन्स्पेक्शन सर्वे एण्ड सर्विलेस (इंडिया) प्रा. लि., निर्यात निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारियों को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि खनिज तथा अयस्क (ग्रुप-II) के निर्यात निरीक्षण नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण-पत्र दिया जा सके।

(2) मैसर्स इन्स्पेक्शन सर्वे एण्ड सर्विलेस (इंडिया) प्रा. लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निर्यात एवं क्वा. नियं.) समय-समय पर लिखित रूप में देंगे।

अनुसूची

1. मैंगनीज डायक्साइड
2. कायनाइट
3. सिलिमनाइट
4. जिंक संकेन्द्रित सहित कच्चा जिंक
5. मैग्नेसाइट
6. बैराइट्स
7. साल आक्साइड
8. पीला गैरिक
9. स्टेटाइट
10. फ़ेल्डस्पार

[फाइल सं. 5(1)/88-ईआईएण्ड ईपी]

कुमारी सुमा सुब्बणा, निदेशक

New Delhi, the 22nd November, 1993

S.O. 2675.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 6th October, 1993, M/s. Inspection Survey and Surveillance (India) Private Limited, 26 D/27, Park Lane, Calcutta-700 016 as an agency for inspection of Minerals and Ores (Group-II) as specified in schedule annexed hereto, prior to export, subject to the following conditions namely :—

- (i) that M/s. Inspection Survey and Surveillance (India) Private Limited shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-II (Inspection) Rules, 1963;
- (ii) that M/s. Inspection Survey & Surveillance (India) Private Limited in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

SCHEDULE

1. Manganese Dioxide
2. Kyanite

3. Sillimanite
4. Zinc Ores, including zinc concentrates
5. Magnesite, including dead-burnt and calcined magnesite
6. Barytes
7. Red Oxide
8. Yellow Ochre
9. Steatite
10. Feldspar.

[F. No. 5(1)/88-EI&EP]
KUM. SUMA SUBBANNA, Director

कोयला मंत्रालय

शुद्धि पत्र

नई दिल्ली, 3 नवम्बर, 1993

का.प्रा. 2676.—भारत के राजपत्र भाग-II, खण्ड-3, उपखण्ड (ii) में तारीख 12 जून, 1993 में पृष्ठ क्रमांक 1787 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.प्रा. 1300 तारीख 25 मई, 1993 में :—

पृष्ठ क्रमांक 1787 पर :—

- (1) अनुसूची में कालम संख्या 5 तहसील स्तम्भ के नीचे "परसिया" के स्थान पर "परासिया" पढ़िए। और जहाँ कहीं यह शब्द प्रयुक्त हुआ हो उसी स्थान पर "परासिया" पढ़िए।

पृष्ठ क्रमांक 1788 पर :—

- (2) सीमा वर्णन में रेखा च-ख में "खोहली" के स्थान पर "मोहली" पढ़िए। और रेखा ख-ग में संख्या "11" के स्थान पर "1/1" पढ़िए।

पृष्ठ क्रमांक 1789 पर :—

- (3) अनुसूची कुल क्षेत्र में "15.173" के स्थान पर "16.173" पढ़िए।

पृष्ठ क्रमांक 1790 पर :—

- (4) अनुसूची में कालम संख्या 6 में जिला स्तम्भ के नीचे "छिन्डवाड़ा" के स्थान पर "छिन्डवाड़ा" पढ़िए। और जहाँ कहीं पर यह शब्द प्रयुक्त हुआ हो उसी स्थान पर "छिन्डवाड़ा" पढ़िए। और क्रम संख्या 2 में क्षेत्र हेक्टर में स्तम्भ के नीचे "56.27" के स्थान पर "56.027" पढ़िए।

- (5) ग्राम मथनी में अर्जित किए गए प्लॉट संख्यांक में "39, 41 भाग" के स्थान पर "39, 40, 41 भाग" पढ़िए। और "282 से 1-2-3" के स्थान पर "282/1-2-3" पढ़िए।

- (6) ग्राम डेसगोरा में अर्जित किए गए प्लॉट संख्यांक "11 भाग, 13 भाग" के स्थान पर "11 भाग, 12

भाग, 13 भाग" पढ़िए। और "30/3/31 भाग" के स्थान पर "30, 31 भाग" पढ़िए। और "45 से 48" के स्थान पर "46 से 48" पढ़िए।

- (7) ग्राम मंडली में अर्जित किए गए प्लॉट संख्यांक में "64 से 264" के स्थान पर "66 से 264" पढ़िए।

पृष्ठ क्रमांक 1791 पर :—

- (8) सीमा वर्णन में रेखा ड-ड-ण में "49, 54, 45" के स्थान पर "49, 45" पढ़िए और रेखा ण-त: में "ट" के स्थान पर "त" पढ़िए और रेखा थ-1-ध में "158" के स्थान पर "168" पढ़िए और रेखा थ-द में "छ" के स्थान पर "द" पढ़िए।

[फा. सं. 43015/9/89—एल एल डब्ल्यू]

बी.बी. राव, अवर सचिव

MINISTRY OF COAL

CORRIGENDUM

New Delhi, the 3rd November, 1993

S.O. 2676.—In the notification of the Government of India in the Ministry of Coal, number S.O. 1300, dated the 25th May, 1993 published at pages 1787 to 1796 of the Gazette of India, Part-II, Section-3, Sub-Section (ii) dated the 12th June, 1993,—

- (i) at page 1792, in line 3, for "of" read "or".
- (ii) at page 1793,
 - (a) in boundary description, in line a-b, for "plot numbers 14" read "plot number 17";
 - (b) in plot numbers acquired in village Sirgorikalan, for "74/2" read "77/2".
- (iii) at page 1794, in boundary description, in line f-g, for "Haranbuhta" read "Haranbhata";
- (iv) at page 1795,
 - (a) in plot numbers acquired in village Singorikalan, for "198/1 part" read "188/1 part";
 - (b) in plot numbers acquired in village Mandli for "-I part" read "21 part" and for "25 to 57" read "55 to 57" and, for "267 to 326" read "269 to 326";
 - (c) in boundary description, in line C-D-E, for "Pot" read "Plot" and in line E-F, for "aong" read "along".

[F. No. 43015/9/89|LSW]

B. B. RAO, Under Secy.

नई दिल्ली, 3 नवम्बर, 1993

शुद्धि पत्र

फा. आ. 2677.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 7 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना सं.

फा. आ. 896, तारीख 8 मई, 1993 द्वारा जो भारत के राजपत्र भाग-II—खण्ड-3, उपखण्ड (ii) में पृष्ठ 1322 से 1324 पर प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अर्जन करने के अपने आशय की सूचना दी थी।

केन्द्रीय सरकार की जानकारी में यह बात लाई गई है कि, उक्त अधिसूचना में मुद्रण की कुछ गलतियाँ हैं।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे सक्षम बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित संशोधन करती है।

पृष्ठ संख्या 1322 पर—

- (1) अधिसूचना में "(1957 का 30)" के स्थान पर "(1957 का 20)" पढ़िए।

पृष्ठ संख्या 1323 पर—

- (2) सीमा वर्णन में रेखा क—ख में, "चारगांव और ढोखासा" के स्थान पर "चारगांव और टेलवासा" पढ़िए।
- (3) रेखा "ख—ग" जो दो बार मुद्रण हुआ है वह एक बार पढ़िए और रेखा ड—च में प्लॉट संख्या "171, 174, 185" के स्थान पर "171, 174 175" पढ़िए।

कोई व्यक्ति जो ऐसी किसी भूमि में जिसकी बाबत उपर्युक्त संशोधन जारी किया गया है। हितबद्ध है, इस अधिसूचना के निकाले जाने से तीस दिन के भीतर उक्त अधिनियम की धारा 8 की उपधारा (1) के निबंधनों के अनुसार संपूर्ण भूमि या उक्त भूमि के किसी भाग या उक्त भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण :—

केवल इस अधिसूचना के द्वारा संशोधित प्लॉट संख्याओं की बाबत उक्त अधिनियम की धारा 8(1) के निबंधनों के अनुसार तीस दिन की उक्त अवधि इस अधिसूचना के राजपत्र में निकाले जाने की तारीख से आरम्भ होगी।

[फा. सं. 43015/1/92—एलएस डब्ल्यू]

बी. बी. राव, अवर सचिव

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 16 नवम्बर, 1993

का. आ. 2678.—वास्तुकार अधिनियम, 1972 (1972 का 20वां) के खाली -6 के उप-खण्ड (क) के साथ पठित खण्ड-3 के उपखण्ड (i) की धारा (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय वास्तुकार संस्थान द्वारा अपने सदस्यों में से चुने गए, मान्य अर्हताएं रखने वाले निम्नलिखित पांच वास्तुकारों को वास्तुकला परिषद का सदस्य होने के लिए उनके निर्वाचन की तारीख 4 अप्रैल, 1993 से तीन वर्ष की अवधि के लिए अथवा जब तक उनके उत्तराधिकारियों का विधिवत् रूप से निर्वाचन नहीं कर लिया जाता है, इनमें से जो भी बाद में हो नियुक्ति करती है नामतः

1. श्री बधेका नटवरलाल अमृतलाल,
फैयरी मैनर, 6ठा तल,
13, गनबो स्ट्रीट फोर्ट
बम्बई-400001.
2. श्री देसाई रमेश चन्द्र धीरज लाल,
धीरज, आदर्श सोसाइटी,
अठवा लाइन्स
सुरत 395001
3. श्री मेहता प्रेमेश राज,
3 बी. डी. डी.ए. फ्लैट, सराय, जुलना,
नई दिल्ली-110025
4. श्री मुजफ्फर अली खा,
5-8-548/डी-प्रथम तल,
जमशुब महल के सामने,
आबिद मार्ग, हैदराबाद-500001.
5. श्री सिंह जितेन्द्र,
ए-225, श्री कृष्णपुरी
पटना-8000001.

[सं. एफ 6-60/93-टी डी-III]

एस. डी. आवाले, संयुक्त शिक्षा सलाहकार

(नकल)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

New Delhi, the 16th November, 1993

S.O. 2678.—In exercise of the powers conferred by Clause (a) of sub-section (1) of section 3, read with sub-section (1) section 6 of the Architects Act, 1972 (20 of 1972), the Central Government hereby appoints the following five architects possessing recognised qualifications elected by the Indian Institute of Architects from among its members to be the

members of the Council of Architecture, with effect from the 4th April, 1993, the date of their election, for a period of three years or until their successors have been duly elected, whichever is later, namely:—

1. Shri Badheka Natwarlal Amratlal,
Fairy Manor, 6th Floor,
13, Gunbow St., Fort,
Bombay-400001.
2. Shri Desai Rameshchandra Dhirajlal,
Dhiraj, Adarsh Society,
Athwa Lines,
Surat-395001.
3. Shri Mehta Premendra Raj,
3B, DDA Flat,
Sarai Julana,
New Delhi-110025.
4. Shri Muzaffar Ali Khan,
5-8-548/D, First Floor,
Opp. Zamrud Mahal,
Abid Road,
Hyderabad-500001.
5. Shri Singh Jitendra,
A-225, Sri Krishna Puri,
Patna-800001.

[No. F. 6-60/93-T.D.III]

S. D. AWALE, Jt. Educational Adviser (Tech.)

शहरी विकास मंत्रालय

(सम्पदा निदेशालय)

नई दिल्ली, 13 सितम्बर, 1993

का.आ. 2679—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे सारणी के स्तम्भ (1) में वर्णित अधिकारियों को जो सरकार के राजपत्रित अधिकारी अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्ति करती है जो उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों की प्रदत्त शक्तियां और उन पर अधिरोपित कर्तव्यों का अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों के संबंध में प्रयोग और पालन करेंगे।

सारणी

अधिकारी का पदार्थिधान	सरकारी स्थान का प्रवर्ग और स्थानीय सीमाएं।
-----------------------	--

(1)

(2)

- | | |
|---|--|
| (1) कार्यपालक इंजीनियर, गांधी बाउली, हैदराबाद में एच सी डी III केन्द्रीय लोक संकर्म विभाग, हैदराबाद | गांधी बाउली, हैदराबाद में सभी साधारण पूल निवास स्थान और हैदराबाद में साधारण पूल से संबंधित |
|---|--|

1

2

New Delhi, the 13th October, 1993

- (2) संकर्म और सम्पदों में साधारण पुल से संबंधित प्रबन्धक का सहायक कोई अन्य स्थान जिसके सर्वेक्षक सम्पदा बन्धक अन्तर्गत हैदराबाद में साधारण कार्यालय, हैदराबाद पुल के लिए सरकार द्वारा पट्टे पर लिए गए अधिगृहीत किए गए स्थान भी हैं।

[सं. 21012/1/93-पी. IV]

आर. डी. सहाय, उप निदेशक (सम्पदा)

MINISTRY OF URBAN DEVELOPMENT

(Directorate of Estates)

New Delhi, the 13th September, 1993

S.O. 2679.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being gazetted officers of the Government to be estate officers, for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed on estate officers, by or under the said Act within the local limits of their jurisdiction, in respect of the Public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Category of Public premises and local limits of jurisdiction
1	2
1. Executive Engineer, HCD. III CPWD, Hyderabad.	All general pool residential accommodation at Gachi Bowli, Hyderabad and any other premises belonging to general pool at Hyderabad including premises taken on lease/registered by Government for general pool of Hyderabad.
2. Asstt. Surveyor of Works-cum-Estate Manager, Office of the Estate Manager, Hyderabad.	

[No. 21012/1/93-Pol. IV.]

R.D. SAHAY, Dy. Director of Estate (Policy)

नई दिल्ली, 13 अक्टूबर, 1993

का.आ. 2680.—सरकारो निवास स्थान आबंटन (दिल्ली में साधारण पुल) नियम, 1963 के अनु.नि.-317-ख-2 को धारा "ख" के अनुसरण में राष्ट्रपति एन.द्वारा 1 जनवरी, 1994 से 31 दिसम्बर, 1995 तक को अवधि को अगले आबंटन वर्ष के रूप में अधिसूचित करते हैं।

[सं. 12035(10)/93-नीति-II]

रत्नदेव सहाय, संस्था उपनिदेशक

S.O. 2680.—In pursuance of clauses (b) of SR-317-B-2 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, the President hereby notifies the period commencing on the 1st day of the January, 1994 and ending on 31st day of December, 1995 as the period of next Allotment Year.

[F. No. 12035(10)/93-Pol. II]

R. D. SAHAY, Dy. Director of Estates

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 11 नवम्बर, 1993

का.आ. 2681.—भारतीय चिकित्सा परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के अनुसरण में केन्द्र सरकार. पर्ववर्ती स्वास्थ्य मंत्रालय, भारत सरकार की दिनांक 9 जनवरी, 1960 की का.आ. संख्या 138 के द्वारा भारत के राजपत्र में 15 जनवरी, 1960 को प्रकाशित अधिसूचना में और आगे संशोधन करती हैं, अर्थात् :—

उक्त अधिसूचना में शीर्षक "धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित" के अधीन

1. क्रम संख्या 25, 35, 55 और 64 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएंगी, अर्थात् :—

"25 श्री पी.एम. जाधव मराठवाड़ा विश्वविद्यालय मराठवाड़ा विश्वविद्यालय, औरंगाबाद-431004 महाराष्ट्र"

"35 श्री. ए.च. पी. बल्ला, डिब्रूगढ़ विश्वविद्यालय प्रिंसिपल, असम मेडिकल कालेज, डिब्रूगढ़ (असम)"

"55 डा. आर.के. श्रीवास्तव, बुन्देलखंड विश्वविद्यालय बुन्देलखंड विश्वविद्यालय झांसी (उत्तर प्रदेश)"

"64 डा. पी. के. मुखर्जी, नार्थ वैस्ट बंगाल प्रिंसिपल, विश्वविद्यालय नार्थ बंगाल मेडिकल कालेज, पश्चिम बंगाल"

2. क्रम संख्या 71 के बाद निम्नलिखित क्रम संख्या और उसकी प्रविष्टियां रखी जाएंगी; अर्थात् :—

"72 डा. एस. टोनी फर्नांडीज, महात्मा गांधी नेत्र परामर्शदाता, विश्वविद्यालय सी.बी.एम. नेत्र विज्ञान कोट्टायाम संस्थान, एंगामला (केरल)"

[सं.बी.-11013/10/93-एम.ई. (यू.जी.)]

अमरजीत सिंह, उप सचिव

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 11th November, 1993

S.O.2681-In pursuance of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health published vide S.O. 138 dated the 9th January, 1960, in the Gazette of India dated the 16th January 1960, namely :

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3",

1. For serial numbers 25, 35, 55 and 64 and entries thereof, the following serial numbers and entries shall be substituted respectively, namely :

- | | |
|-------------------------------|------------------------|
| "23. Dr. P.M. Jadhav | Marathwada University |
| Marathwada University, | |
| University Campus, | |
| Aurangabad-431004 | |
| (Maharashtra)" | |
| "35. Dr. H.P. Baruah, | Dibrugarh University |
| Principal, | |
| Assam Medical College, | |
| Dibrugarh | |
| (Assam)" | |
| "55. Dr. R.K. Srivastava | Bundelkhand University |
| Bundelkhand University | |
| Jhansi | |
| (Uttar Pradesh)" | |
| "64. Dr. P.K. Mukherjee, | University of North |
| Principal, | West Bengal |
| North Bengal Medical College, | |
| West Bengal." | |

2. After serial number 71, the following serial number and entry thereof shall be inserted, namely:

- | | |
|-----------------------------|----------------------|
| "72. Dr. S. Tony Fernandez, | Mahatma Gandhi |
| Ophthalmic Consultant, | University, Kottayam |
| C.B.M. Ophthalmic | |
| Institute, Angamaly | |
| (Kerala)" | |

[No. V.-11013/10/93-ME (UG)]

AMARJIT SINGH, Dy. Secy.

संचार मंत्रालय

(डाक विभाग)

नई दिल्ली, 19 नवम्बर, 1993

का.ग्रा. 2682.—राजभाषा नियम (संघ के शासकीय प्रयोजनों के लिए प्रयोग) 1976 के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के निम्नलिखित अधीनस्थ कार्यालयों को, जिनके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्रम सं. कार्यालय का नाम

1. कार्यालय, पोस्टमास्टर जनरल, आगरा
2. कार्यालय, पोस्टमास्टर जनरल, बरेली

3. कार्यालय, पोस्टमास्टर जनरल, गोरखपुर
4. कार्यालय, अधीक्षक, रेल डाक सेवा, "बी एल मंडल" बरेली
5. कार्यालय, परिमंडलीय डाक टिकट भंडार, लखनऊ
6. कार्यालय, परिमंडलीय डाक टिकट भंडार, कानपुर
7. कार्यालय, अधीक्षक, डाक वस्तु भंडार, बरेली
8. कार्यालय, अधीक्षक, डाक वस्तु भंडार, सहारनपुर

[सं. ई. 11017/1/92-रा.भा.]

डी. गिरिवरधारी सिंह, निदेशक (राजभाषा)

MINISTRY OF COMMUNICATIONS

(Department of Posts)

New Delhi, the 19th November, 1993

S.O. 2682.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules 1976, the Central Government hereby notify the following offices of the Department of Posts where 80 per cent staff has acquired the working knowledge of Hindi:—

Sl. No. Name of the Office

1. Office of the Postmaster General, Agra.
2. Office of the Postmaster General, Bareilly.
3. Office of the Postmaster General, Gorakhpur.
4. Office of the Supdt. RMS "BL Division", Bareilly.
5. Office of the Circle Stamp Depot, Lucknow.
6. Office of the Circle Stamp Depot, Kanpur.
7. Office of the Supdt., Postal Store Depot, Bareilly.
8. Office of the Supdt., Postal Store Depot, Saharanpur.

[No. E-11017/1/92-OL]

DR. G. D. SINGH, Director (OL)

नागर विमानन और पर्यटन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 15 अक्टूबर, 1993

का.ग्रा. 2683.—अंतर्राष्ट्रीय विमानपत्तन प्राधिकरण (आईएए) अधिनियम, 1971 (1971 का 43) की धारा (3) की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा राष्ट्रीय विमानपत्तन प्राधिकरण के कार्यकारी निदेशक, श्री किशुटिकचंदानी को 5-3-93 (पूर्वाह्न) से अगले आदेशों तक 7500-8500 रुपए के अनुसूची "ग" वेतनमान में भारत अंतर्राष्ट्रीय विमानपत्तन प्राधिकरण (आईएएआई) में पूर्णकालिक सदस्य (प्रचालन) नियुक्त करती है।

राष्ट्रीय विमानपत्तन प्राधिकरण और भारत अंतर्राष्ट्रीय विमानपत्तन प्राधिकरण का विलय हो जाने पर, सदस्य (प्रचालन) के पद का ग्रेड घटा दिया जाएगा और यह बोर्ड स्तर से नीचे प्रचालित होगा।

[संख्या एवी 24011/2/92-जी.ई.]

एच.एस. संघु, अवर सचिव

MINISTRY OF CIVIL AVIATION & TOURISM

(Department of Civil Aviation)

New Delhi, the 15th October, 1993

S.O. 2683.—In exercise of the powers conferred by Sub Section (3) of Section (3) of the International Airports Authority (IAA) Act, 1971 (43 of 1971), the Central Government appoints Shri Kishu Techchandani, Executive Director, National Airports Authority as whole-time Member (Operations) in the International Airports Authority of India (IAAI), in Schedule 'C' scale of pay of Rs. 7500—8500 w.e.f. 5th August, 1993 (FN) and until further orders.

In the event of merger of National Airports Authority and International Airports Authority of India the post of Member (Operations) will be downgraded and operated at below Board level.

[No. AV. 24011/02/92-VE]
H. S. SANDHU, Under Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 20 अक्टूबर, 1993

का.आ. 2684.—सजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल मंत्रालय, रेलवे बोर्ड, उत्तर रेलवे के फिरोजपुर मंडल, मुरादाबाद मंडल और इलाहाबाद मंडल के निम्नलिखित रेल कार्यालयों को जहाँ कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है :—

फिरोजपुर मंडल

1. रेल पथ निरीक्षक व्यास
2. स्टेशन अधीक्षक, भरोली
3. स्टेशन अधीक्षक, कठुआ
4. स्टेशन अधीक्षक, बैजनाथ पपरोला
5. स्टेशन अधीक्षक, पालमपुर
6. स्टेशन अधीक्षक, मुकेरिया
7. लोको फोरमैन, फिरोजपुर
8. स्टेशन मास्टर, माधोपुर पंजाब
9. यातायात निरीक्षक-1, जलंधर शहर
10. स्टेशन अधीक्षक, पट्टी

मुरादाबाद मंडल

1. स्टेशन अधीक्षक, देहरादून
2. मुख्य रेल पथ निरीक्षक, देहरादून
3. मंडल चिकित्सा अधिकारी, देहरादून
4. लोको फोरमैन, देहरादून
5. रेलवे सुरक्षा बल, देहरादून
6. प्रवर विद्युत फोरमैन, देहरादून
7. स्टेशन अधीक्षक, चंदौली
8. मुख्य रेल पथ निरीक्षक, चंदौली
9. स्टेशन मास्टर, राजघाट नरौरा

इलाहाबाद मंडल

1. मुख्य पार्सल पर्यवेक्षक, इलाहाबाद
2. मुख्य माल पर्यवेक्षक, इलाहाबाद
3. सेतु निरीक्षक (अनु.), इलाहाबाद

4. संकेत निरीक्षक (निर्माण), इलाहाबाद
5. मुख्य बुकिंग पर्यवेक्षक, इलाहाबाद
6. मुख्य संकेत निरीक्षक, (द्वितीय), इलाहाबाद
7. मुख्य मास्त्री परीक्षक, इलाहाबाद
8. वरिष्ठ मंडल संचार एवं दूर संचार अभियंता/माइक्रोवेव, इलाहाबाद
9. मुख्य संकेत निरीक्षक (डी) (1), इलाहाबाद
10. मुख्य संकेत निरीक्षक (परिवहन), इलाहाबाद
11. मुख्य आरक्षण पर्यवेक्षक, इलाहाबाद
12. सहायक अभियंता/1, इलाहाबाद
13. निर्माण निरीक्षक (द्वितीय), इलाहाबाद
14. स्टेशन अधीक्षक, खागा
15. स्टेशन मास्टर, कनवार
16. स्टेशन मास्टर, बिंदकी रोड
17. स्टेशन मास्टर, सुजानपुर
18. स्टेशन मास्टर, सिराथू
19. स्टेशन मास्टर, रसूलाबाद
20. मंडल अभियंता, फतेहपुर
21. निर्माण निरीक्षक, फतेहपुर
22. रेल पथ निरीक्षक, फतेहपुर
23. स्टेशन अधीक्षक, फतेहपुर
24. दूर संचार निरीक्षक (1), इलाहाबाद
25. मुख्य निरीक्षक (टिकट), अलीगढ़
26. मुख्य बुकिंग पर्यवेक्षक, अलीगढ़
27. मुख्य पार्सल पर्यवेक्षक, अलीगढ़
28. मुख्य माल बाबू, अलीगढ़
29. सहायक अभियंता, अलीगढ़
30. सहायक अभियंता, निर्माण, अलीगढ़
31. मंडल विद्युत अभियंता/क.वि., अलीगढ़
32. स्टेशन अधीक्षक, अलीगढ़
33. वरिष्ठ कर्षण फोरमैन, मिर्जापुर
34. सहायक अभियंता, मिर्जापुर
35. स्टेशन अधीक्षक, खुर्जा
36. निर्माण निरीक्षक, खुर्जा
37. संकेत निरीक्षक (डी), इटावा
38. टेलीफोन एवं दूर संचार निरीक्षक, खुर्जा
39. मुख्य रेल पथ निरीक्षक, इटावा
40. मंडल अभियंता, इटावा
41. मुख्य रेल पथ निरीक्षक/विशेष, इटावा
42. निर्माण निरीक्षक, इटावा
43. स्टेशन अधीक्षक, इटावा
44. ट्रेनिंग फोरमैन (पी.सी.आई.), इटावा
45. वरिष्ठ कर्षण फोरमैन, इटावा
46. वरिष्ठ कर्षण फोरमैन (ग्रिड सब स्टेशन), इटावा

[सं. हिंदी-93/रा. भा. 1/12/6]

मसीदुज्जमा, सचिव, रेलवे बोर्ड और पदेन अपर सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 20th October, 1993

S.O. 2684.—In pursuance of sub-rule (2) and (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board), hereby notify the under mentioned Railway Offices of Firozpur Division, Moradabad Division and Allahabad Division of Northern Railway, where the staff have acquired the working knowledge of Hindi:—

FIROZPUR DIVISION:

1. Permanent Way Inspector, Beas
2. Station Superintendent, Bharoli
3. Station Superintendent, Kathua
4. Station Superintendent, Baijnath Paprola
5. Station Superintendent, Palanpur
6. Station Superintendent, Mukerian
7. Loco Foreman, Firozpur
8. Station Master, Madhopur Punjab
9. Traffic Inspector-I, Jullundur City
10. Station Superintendent, Patti.

MORADABAD DIVISION:

1. Station Superintendent, Dehradun
2. Chief Permanent Way Inspector, Dehradun
3. Divisional Medical Officer, Dehradun
4. Loco Foreman, Dehradun
5. Railway Protection Force, Dehradun
6. Sr. Electric Foreman, Dehradun
7. Station Superintendent, Chandausi
8. Chief Permanent Way Inspector, Chandausi
9. Station Master, Rajghat Narora

ALLAHABAD DIVISION:

1. Chief Parcel Supervisor, Allahabad
2. Chief Goods Supervisor, Allahabad
3. Bridge Inspector (Maintenance), Allahabad
4. Signal Inspector (Construction), Allahabad
5. Chief Booking Supervisor, Allahabad
6. Chief Signal Inspector (Second), Allahabad
7. Chief Train Examiner, Allahabad
8. Sr. Divisional Communication and Telecommunication Engineer/Microwave, Allahabad
9. Chief Signal Inspector (D)(1), Allahabad
10. Chief Signal Inspector (West), Allahabad
11. Chief Reservation Supervisor, Allahabad
12. Asstt. Engineer/I, Allahabad
13. Inspector of Works (Second), Allahabad
14. Station Superintendent, Khaga
15. Station Master, Kanwar
16. Station Master, Bindki Road
17. Station Master, Sujatpur
18. Station Master, Sirathu
19. Station Master, Rasulabad
20. Divisional Engineer, Fatehpur
21. Inspector of Works, Fatehpur
22. Permanent Way Inspector, Fatehpur
23. Station Superintendent, Fatehpur

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24. Telecommunication Inspector (I), Allahabad
25. Chief Inspector (Ticket), Aligarh
26. Chief Booking Supervisor, Aligarh
27. Chief Parcel Supervisor, Aligarh
28. Chief Goods Clerk, Aligarh
29. Asstt. Engineer, Aligarh
30. Asstt. Engineer (Construction), Aligarh
31. Divisional Electric Engineer/Traction Distribution, Aligarh
32. Station Superintendent, Aligarh
33. Sr. Traction Foreman, Mirzapur
34. Station Engineer, Mirzapur
35. Station Superintendent, Khurja
36. Inspector of Works, Khurja
37. Signal Inspector (D), Etawah
38. Telephone and Telecommunication Inspector, Khurja
39. Chief Permanent Way Inspector, Etawah
40. Divisional Engineer, Etawah
41. Chief Permanent Way Inspector/Spl., Etawah
42. Inspector of Works, Etawah
43. Station Superintendent, Etawah
44. Traction Foreman (P.C.I.), Etawah
45. Sr. Traction Foreman, Etawah
46. Sr. Traction Foreman (Grid sub-station), Etawah.

[No. Hindi-93/OL-I/12/6]

MASIHUZZAMAN, Secy., Railway Board
and Ex-officio Addl. Secy.

श्रम मंत्रालय

नई दिल्ली, 11 नवम्बर, 1993

का.आ. 2685.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[संख्या एस-11025/5/82-डी IV (बी)]

राजा लाल, ईस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 11th November, 1993

S.O. 2685.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workmen, which was received by the Central Government on 9-11-1993.

[No. S-11025/5/82-D.IV (B)]

RAJA LAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 43 of 1982

PARTIES :

Employers in relation to the Management of Ghusick Unit of Kalipahari of Messrs. Eastern Coalfields Limited,

AND

Their Workmen.

PRESENT :

Mr. Justice Manash Nath Roy, Presiding Officer.

APPEARANCES :

On behalf of Management—Mr. P. Banerjee, Advocate.
On behalf of Workmen—None.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. S-11025/5/82-D.IV(B) dated 11th October, 1982, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication, on transfer from the Central Government Industrial Tribunal, No. 37, Dhanbad. The dispute was initially referred to the Dhanbad Tribunal vide Order No. L-19012(33)/81-D.IV (B) dated 2nd November, 1981.

“Whether the action of the Agent, Kalipahari, Ghusick (CM) and Ghusick Units of Kalipahari Colliery of M/s. Eastern Coalfields Ltd., P.O. Kalipahari (Burdwan) in not paying fall back wages to underground loaders for the period from 27-8-79 to 15-9-79 is justified? If not, to what relief the underground loaders of the Collieries are entitled?”

2. After completion of the pleadings and during the continuance of the proceedings, parties to the dispute, have come to a settlement and they have filed an application, praying jointly for an Award in terms of the settlement as filed.

3. After considering the settlement, it appeared to me that the terms of the settlement are reasonable.

4. As such, the Reference is answered in terms of the said settlement. I further direct that the settlement do form part of the Award as Annexure A.

This is my Award.

Dated, Calcutta,
The 15th October, 1993.

MANASH NATH ROY, Presiding Officer

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

Ref. Case No. 43/82

PARTIES :

Employees in relation to the Management of Kalipahari Colliery,

AND

The workmen, represented by CMS (AITUC).

The employers and the union jointly beg to submit :—

That the employer and workman/union after discussion between themselves have settled the dispute raised by the union on the following points :—

That the employer have agreed to pay the fall back wages to the eligible workmen 50% of the fall back wages for the period from 27-8-79 to 18-9-79 and the workman/union have agreed to receive the same in full and final settlement of the claim in this regard.

That the amount payable of aforesaid account to the individual workmen of Ghusick unit is Annexure-

‘A’, amounts payable to Kalipaharai units is Annexure ‘C’ and those payable to the workmen of C. M. Ghusick is Annexure ‘B’ and the employer and union after verification have agreed the lists as per Annexure to be final and acceptable.

That the union/workmen shall have no further claim on account of fall back wages for the period in issue.

That the parties agreed that the terms are fair and proper and dispute stands dissolved as mentioned above.

The parties, therefore, jointly prayed an award be passed in terms of this compromise petition holding that the terms and condition recorded above are fair, proper and final.

Union representatives :

Sd/-

Illegible

Representative of employer :

Sd/-

Illegible

Dy. Personnel Manager,
Eastern Coalfields Limited,
Sripur Area.

ANNEXURE-A

List of the M.I.C.I. Loaders of Ghusick Unit

1. Bhola Harijan.
2. Ram Lal Harijan.
3. Soñ Harijan.
4. Birju Harijan.
5. Nithuni Harijan.
6. Dipchand Rajbhar.
7. Seo Das Rajbhar.
8. Nakhru Kumhar.
9. Jai Ram Rajbhar.
10. Markand Mahamgura.
11. Deoki Rajbhar.
12. Ram Mohan Behra.
13. Natwar Harijan.
14. Gokul Harijan.
15. Inru Harijan.
16. Raghu Nath Gareri.
17. Ram Sarat Kumhar.
18. Bali Ram Gope.
19. Sai Ram Rajbhar.
20. Seo Nath Rajbhar.
21. Chandrika Rajbhar.
22. Deoki Rajbhar.
23. Pujan Rajbhar.
24. Narayan Rajbhar.
25. Babu Ram Harijan.
26. Ghurbin Chouhan.
27. Ram Naresh Rajbhar.
28. Sufer Chouhan.
29. Seo Chand Harijan.
30. Bageshwar Harijan.
31. Munnar Harijan.
32. Gama Harijan.
33. Chaturl Harijan.
34. Ghurhu Rajbhar.
35. 2 No. Ram Nath Rajbhar.
36. Deonath Rajbhar.
37. Ramayan Rajbhar.
38. Sri Mohan Rajbhar.
39. Mul Chand Rajbhar.
40. No. 1 Surju Rajbhar.

41. Sati Ram Harijan.
42. Jaisuk Rajbhar.
43. Santu Rajbhar.
44. Ram Abodh Rajbhar.
45. Kedar Dusadh.
46. Seomuni Dusad.
47. Surat Rajbhar.
48. Punu Rajbhar.
49. Murhu Rajbhar.
50. Ram Charan Rajbhar.
51. No. 1 Jita Rajbhar.
52. Hari Bansh Chouhan.
53. Surju Rajbhar.
54. Shalpathi Rajbhar.
55. Sufer Rajbhar.
56. Deo Nandan Rajbhar.
57. 2 No. Jita Rajbhar.
58. Jhingan Harijan.
59. Fatingan Harijan.
60. Ramjanam Rajbhar.
61. Sarkar Majhi.
62. Sudarsan Gope.
63. 2 No. Deonath Rajbhar.
64. Ram Narayan Gope.
65. Lachhi Ram Rajbhar.
66. Thakur Majhi.
67. Sanjhalal Kora.
68. Bhabi Dora.
69. Kali Charan Majhi.
70. Ganga Polai.
71. 2 No. Judhishtir Dora.
72. Bauri Dora.
73. Sita Gope.
74. Sew Shankar Mishra.
75. Somai Majhi.
76. No. 1 Kalicharan Majhi.
77. Sankar Dusadh.
78. Kishore Gope.
79. Channar Rajbhar.
80. Sona Majhi.
81. Bro Rabi Majhi.
82. Sanatan Majhi.
83. Jadu Gareri.
84. Gantal Senapati.
85. Sahub Pradhan.
86. Panchu Panhari.
87. Antu Noonfa.
88. Balli Rajbhar.
89. Jamuna Rajbhar.
90. Banwari Rajbhar.
91. Bunarshi Rajbhar.
92. Ramjeet Rajbhar.
93. Mahgu Rajbhar.
94. Bhullu Rajbhar.
95. Chhattu Gope.
96. Brij Nath Gope.

97. Funchand Rajbhar.
98. Basu Rajbhar.
99. Shyam Sunder Jana.
100. Purnamashi Rajbhar.
101. Bipra Behra.
102. Shyamker Harijan.
103. Kripal Gope.
104. Kripal Gope.

ANNEXURE B

List of M.C. Loaders of C.M. Ghusick Unit

1. Ramchandur Rajbhar.
2. Balkisun Rajbhar.
3. Baliram Rajbhar.
4. Hardeo Rajbhar.
5. Khedan Rajbhar.
6. Br. Barsati Rajbhar.
7. Birjvan Rajbhar.
8. Ramoo Rajbhar.
9. Ch. Shankar Rajbhar.
10. Lochhan Rajbhar.
11. Nakhru Rajbhar.
12. Chajur Rajbhar.
13. Madhuban Rajbhar.
14. Dasrath Rajbhar.
15. Chandardeo Rajbhar.
16. Sipu Rajbhar.
17. Bhushi Rajbhar.
18. Lachhan Harijan.
19. Paltan Majhi.
20. Khudu Majhi.
21. Babulal Majhi.
22. Kandan Kora.
23. Ch. Bhata Kore.
24. Nathu Bouri.
25. Harinarayan Rajbhar.
26. Mukhdeo Rajbhar.
27. Br. Sirpat Rajbhar.
28. Surajbali Nunia.
29. Gurayari Rajbhar.
30. Santa Rajbhar.
31. 3 No. Musafir Rajbhar.
32. Pannar Harijan.
33. Gobind Rajbhar.
34. Uchhab Bari.
35. Banga Balia.
36. Deoram Rajbhar.
37. Durgam Rajbhar.
38. Br. Sukhamdam Harijan.
39. Hargun Rajbhar.
40. Shew Rajbhar.
41. Ganpat Harijan.
42. Bhagwati Rajbhar.
43. Alama Balia.
44. Nathu Bouri.
45. Ranjit Rajbhar.

ANNEXURE C

List of the M.C. Loaders of Kalipahari Unit

1. Jamuna Shaw.
2. Parag Bhuiya.
3. Mouji Bhuiya.
4. Samar Bhuiya.
5. Dhensher Bhuiya.
6. Muneshher Bhuiya.
7. Bashudev Bhuiya.
8. Barga Ramesher Bhuiya.
9. Muner Rajbhar.
10. Jivlal Yadav.
11. Chatu Mahato.
12. Jiut Gope.
13. Kulpu Harijan.
14. Laldhar Harijan.
15. Ramdev Harijan.
16. Ramkaru Harijan.
17. Sreenath Gope.
18. Khalil Mia.
19. Chota Kataru Harijan.
20. Sataw Harijan.
21. Kukhi Rajbhar.
22. Jiten Harijan.
23. Baliraj Harijan.
24. Sarju Harijan.
25. Utpati Harijan.
26. Purnuashi Harijan.
27. Surat Gore.
28. Sur, bali Nunia
29. Ghuthi Harijan.
30. Chabila Noonina.
31. Barakesho Noonina.
32. Manraj Noonina.
33. Rupge Harijan.
34. Ramshibab Harijan.
35. Chota Rameshe Bhuia.
36. Shukhinath Harijan.
37. Munkesher Rajbhar.
38. Paltu Harijan.
39. Baburam Harijan.
40. Budhiram Harijan.
41. Ganpat Harijan.
42. Mangra Pasni.
43. Gagdev Rajbhar.
44. Sugrim Rajbhar.
45. Sudama Ahir.
46. Dashi Singh.
47. Shambu Noonina.
48. Chitsher Noonina.
49. Ghotalaldev Noonina.
50. Jashi Harijan.
51. Hari Noonina.
52. Sitaram Shaw.
53. Chota Payari Noonina.
54. Chota Kesho Noonina.
55. Bali Noonina.
56. Bachu Noonina.
57. Balesher Gope.
58. Kheda Noonina.
59. Patru Noonina.
60. Chota Ballehari Noonina.
61. Narjan Noonina.
62. Meru Rajbhar.
63. Sivadhar Bhar.
64. Bhuka Bhuiya.
65. Bashdev Muchi.
66. Ramkishore Koiri.
67. Gajdish Kahar.
68. Jayshree Kurmi.
69. Duarika Shaw.
70. Ram Mandal.
71. Gogeshar Mahato.
72. Ganesh Mahato.
73. Mato Shaw.
74. Bashdev Shaw.
75. Baldev Yadav.
76. Bilaiti Yadav.
77. Iswar Muchi.
78. Gajo Yadav.
79. Lakhani Yadav.
80. Gobind Muchi.
81. Bhaso Mandal.
82. Dheneswher Mistri.
83. Kalipada Bauri.
84. Bodi Majhi.
85. Jalo Bouri.
86. Sugrim Noonina.
87. Ramsevak Chowhan.
88. Sivalak Noonina.
89. Paroo Gope.
90. Ramnath Harijan.
91. Ramawdh Noonina.
92. Ramddin Noonina.
93. Anurag Harijan.
94. Marahu Harijan.
95. Thakur Prasad Harijan.
96. Sudarsan Prasad.
97. Tokhi Garagri.
98. Hira Harijan.
99. Purnawashi Harijan.
100. Teja Koiri.
101. Teja Harijan.
102. Shatu Harijan.
103. Sivnath Rajbhar.
104. Patu Noonina.

नई दिल्ली, 11 नवंबर, 1993

का.प्र. 2686.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डामागोटिया कोलियरी ऑफ मैसर्स बीएससीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के

बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-11-93 को प्राप्त हुआ था।

[संख्या एल-22012/151/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 11th November, 1993

S.O. 2686.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Damagoria Colliery of M/s. BCCL and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-22012/151/92-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 44/92

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Damagoria Colliery of B.C.C. Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Shri P. K. Das, Advocate.

For the Workman—Shri C. D. Dwevedi, Advocate.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 28th October, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/151/92-IR (C-II) dated 21-10-1992.

SCHEDULE

"Whether the action of the management of Damagoria Colliery of B.C.C. Ltd., in not regularising Shri Parameshwar Tiwari as Tool Issue Clerk is justified? If not, to what relief the concerned workman is entitled to?"

2. Today (28-10-93) Sri C. D. Dwevedi the Id. Advocate of the union submits that the talk of compromise is in its final stage and it has become difficult to settle the matter keeping the case pending. It is submitted by the union that a no dispute award may be passed at this stage on condition that if the matter is not settled then the case will be restored within one month. Other side has no objection.

3. Accordingly a no dispute award is passed in this case to settle the matter amicably.

N. K. SAHA, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1993

का.आ. 2687.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस् सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9/11/93 को प्राप्त हुआ था।

[संख्या एल-22012/69/86-डी III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 11th November, 1993

S.O. 2687.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 9-11-1993.

[No. L-22012/69/86-D.III (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam. M.A., B.L., Industrial Tribunal-I.

Dated, 4th day of October, 1993

Industrial Dispute No. 63 of 1990

BETWEEN

Shri Sothuku Rayalingu, Ex-General Mazdoor, K.K. II Incline, Quarter No. D-350 III Zone, P.O. Mandamarri District Adalibad, A.P. —Petitioner

AND

The General Manager, S.C. Co. Ltd., MM and SMG. Mines, P.O. Kalyanikhan —Respondent

APPEARANCES :

Sri Mohd. Ghouse Mohiuddin, Advocate—for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012 69/86-D.III (B)/D.IIIA (C-II) dated 6-11-1990 referred the following dispute under Section 10 (1)(d) (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Singareni Collieries Company Limited, Mandamarri and their Workmen to this Tribunal for adjudication :

"Whether the action of the management of S.C. Co. Ltd., Mandamarri in dismissing Sri Sothuku Rayalingu, Ex-General Mazdoor, KK-2 Incline, from his services is legal and justified? If not, to what relief the workman concerned is entitled to?"

This reference was registered as Industrial Dispute No. 63 of 1990 and notices were served on both the parties.

2. The brief contents of the claim statement filed by the Petitioner workman read as follows :

The Petitioner was appointed as General Mazdoor on 1-1-1975 in Mandamarri Division of Sigareni

Collieries Company Limited and he was working under the control of the Deputy Chief Mining Engineer/HOI/Collieries, Manager, KK-11 Incline and ever since his appointment he was working continuously with unblemished record of service till he was illegally dismissed from service on 31-1-1985 vide order dated 25-1-1985, by the Respondent on allegation of his unauthorisedly occupying the quarter No. D-350 III, Zone which constitutes misconduct under Company's Standing Order No. 16(1). The Petitioner made an application to the Additional Chief Mining Engineer of Mandamarri on 1-7-1982 requesting him for allotment of residential quarters No. D-350-III one which fell vacant due to the transfer of one P. Rajaiah, Watchman from Mandamarri to C.C.C. Plant, Ramakrishnapur and he personally approached the said Addl. Chief Mining Engineer with a request and the said officer assured the petitioner that he would be allotted the quarter in the beginning of September, 1982. The petitioner had with express permission of the said Addl. Chief Mining Engineer and moved to the said residential quarters pending formal allotment of the said quarters in his name. Though he came to occupy the said residential quarter with the express consent and permission of the Additional Chief Mining Engineer, Mandamarri Division and the then D.P.O. The Petitioner was treated as an unauthorised occupant of the said residential quarters and disciplinary action was initiated against him by keeping him under suspension on 4-11-1982. Subsequently the suspension was raised. Thus he was suspended thrice during the period 4-11-1982 to 7-9-1983 for not vacating the department quarters occupied by him. The petitioner submits that from 1-1-1984 till he was dismissed from service on 31-1-1983 he was not paid the House Rent Allowance payable to him on the ground that he was occupying the said quarters. He submits that not withstanding the order of suspension thrice referred to above, he was again charge sheeted on 29-8-1983 and subsequently on 6-9-1984 for not vacating the departmental quarters occupied by him and ultimately by an order dated 25/27-1-1985 referred to above, he was dismissed from service on the allegation that charges levelled against him are proved and they are grave and serious in nature. The petitioner submits that the order of dismissal from service is illegal, unjust arbitrary and contrary to the certified Standing Orders of the Company and opposed to the principles of natural justice. The Petitioner submits that the failure to vacate the departmental quarters cannot be termed as misconduct so as to warrant disciplinary action unless it is included in the certified Standing Orders of the Company. If an employee fails to vacate the departmental quarters occupied by him it is open to the employer to take necessary steps to evict him from the departmental quarters. But the same would not give any cause of action for taking disciplinary action against an employee on the grounds of his failure to vacate the departmental quarters or by saying that he disobeyed the lawful order issued by the superiors. The lawful orders referred to in the standing orders would necessarily relate to the duties of an employee and when an employee fails to vacate the departmental quarters occupied by him it cannot be termed as disobedience of lawful orders issued by the superior so as to come within the purview of misconduct to take disciplinary action. In a case reported in 1972 Services Law Report (Mysore) at page 59, the Karnataka High Court has clearly held that disciplinary action for failure to vacate the Departmental quarters is unwarranted and it cannot be taken even on the ground of disobedience of any lawful orders issued by the superior officer. The disciplinary action taken against the petitioner is therefore illegal and invalid. The petitioner further submits that admittedly he was not paid the house rent allowance from 1-1-1984 till 31-1-1985 when the order of dismissal became effective. The persons who are in occupation of the departmental quarters will not be paid house rent allowance and those who are

not in occupation of Departmental quarters will be paid house rent allowance. By not paying him the house rent allowance from 1-1-1984 his occupation of the departmental quarters is deemed to have been regularised and the same rated a tenancy in his favour and employer could not take any disciplinary action after regularising his occupation of the departmental quarters. If at all there was any right to the employer it is not to call upon him to vacate the quarters and to take necessary steps if he did not vacate the quarters but disciplinary action is not warranted. In a case reported in 1976 (I) Service Law Reporters at page 692 the Calcutta High Court was held accordingly. The Petitioner further submits that as already stated above, the failure to vacate the departmental quarters cannot be termed as a misconduct unless it is included in the certified Standing Orders and unless it is enumerated in the Standing Orders and as such disciplinary action cannot be taken and any action taken therefore illegal and invalid (vide case reported in 1985 (I) Labour Law Journal at page 527 Supreme Court. That his occupation of the departmental quarters cannot be termed as unauthorised. As already stated above, he gave an application for allotment of the quarter on 1-7-1982 when a departmental quarter fell vacant and he occupied the same only with the express consent of the Additional Chief Mining Engineer and the then D.P.O. pending formal allotment of the said quarters to him. It might be that the said officers may conveniently deny the same but one aspect that has to be seen is that it is not the case of Management that he had broken open any locks and entered the departmental quarters of that he had done so forcibly. As and when a quarter fell vacant, it may be under the lock and key of the Personnel Officer and the Petitioner could not have occupied the quarter without the express consent of concerned officers. That there are also other persons who are far juniors to him in service who are allotted the departmental residential quarters and there is no justification for the higher authorities in not allotting departmental quarters occupied by him and taking stringent action on the allegation that he is an unauthorised occupant. The petitioner therefore prays that the Hon'ble Court may be pleased to set aside the order of dismissal from service dated 27-1-1985 and pass an award directing the Respondent to reinstate him into service with full back wages and all other attendant benefits with continuity of service and grant relief as seems fit and proper.

3. The brief facts of the counter filed by the Respondent Management read as follows :

It is true that the petitioner was appointed as Casual worker on 11-2-1975 and subsequently drafted as General Mazdoor on Category I wages and was employed at KK-2 Incline. The allegation that this Petitioner submitted an application to the Addl. Chief Mining Engineer, Mandamarri on 1-7-1982 requesting for allotment of residential quarter No. D-350-III is not correct. The petitioner is a General Mazdoor in Category-I. Basing upon seniority quarter is allotted to him. He being junior he was not eligible for quarter at all. Knowing fully well the factual position, the petitioner illegally occupied quarter bearing No. D-350 III zone of Mandamarri Area which fell vacant due to the transfer of one Sri R. Rajaiah, Watchman. On receipt of the information of illegal occupation by the workman in dispute, management requested him to vacate the quarter so as the other incumbent has to occupy the same. In spite of repeated lawful and reasonable instructions given by the management requesting him to vacate the quarter he has not chosen to do so and started creating law and order problem about the quarter. The allegation that he met the Addl. Chief Mining Engineer and requested him for allotment of quarter No. D-350 III Zone is totally false. As the petitioner has illegally occupied the quarter, he was treated as unauthorised occupant of the quarter and the respondent initiated disciplinary action by invoking

the provisions of the Standing Orders. The petitioner was issued a charge sheet, enquiry was conducted and then he was suspended and he was also instructed to vacate the quarter. The allegation that the order of dismissal is illegal, unjust arbitrary and contrary to the Certified Standing Orders and opposed to the principles of natural justice is not correct. It may be noticed the allegation that the failure to vacate the departmental quarters cannot be termed as misconduct so as to warrant disciplinary action unless it is included in the certified Standing Orders of the Company is not correct. It may be noticed that because the house rent allowance is not paid to him from 1-1-1984 till 31-1-1985 when the order of dismissal became effective is not correct. House rent allowance is not paid because the petitioner has illegally occupied the quarter. It is true to those people to whom quarters were not allotted, house rent allowance will be paid. It is true that the Management called upon him and requested him to vacate the quarter failing to do so initiated the disciplinary action and gave the punishment thrice and took a lenient view for three times and inspite of that he has not chosen for vacating the quarter. It is a clear wilful insubordination and management has no option but to initiate disciplinary action and dismiss him. The case reported in 1976 (I) Service Law Reporter page 692 is not applicable to the petitioner's case as no rent has been accepted. What the petitioner was trying to put before this Hon'ble Court is that he can illegally occupy the Company's quarters, without any allotment or order, whichever he wants and management should pay the house rent allowance also like an additional amount so as he can enjoy the benefit of both categories of employees, i.e. persons to whom legally the quarters are allotted and persons to whom the quarters are not allotted and house rent allowance was being paid. The allegation that the Addl. Chief Mining Engineer gave express consent is totally false. The petitioner is making a false allegation to cover up his illegal acts. It may be noticed Watchman, Sri Rajaiah was vacating the quarters the moment he removed his household articles, the petitioner forcibly entered into the house before locking it. If the petitioner for quarter, he can question the management for a quarter. But he cannot occupy some quarter as he likes and give colour that he occupied the quarter because he is eligible and that it should be regularised. The management is justified in dismissing the employee. As such, the petitioner is not entitled for reinstatement much less back wages. This is a case where the management is entitled to claim for exemplary costs. As such, this Hon'ble Court may be pleased to dismiss the claim petition and award exemplary costs to the Respondent.

4. The point for adjudication is whether the Respondent Management in dismissing Sri Sothuku Rayalingu-Ex-General Mazdoor from the service is legal and justified?

5. This Tribunal passed an order on 9-7-1993 holding that the domestic enquiry was held properly and it is not vitiated at all.

6. After the conducting the validity of the domestic enquiry no oral or documentary evidence were adduced by both the parties.

7. The contention of the counsel for the Petitioner-workman that the allegation of the Petitioner's unauthorisedly occupying the quarter No. D-350 III Zone intended for Mazdoor category of workers only in the Respondent's Company and which constitutes misconduct under Company's Standing Order No. 16(1). He argues that the Petitioner made an application to the Additional Chief Mining Engineer of Mandamarri on 1-7-1982 requesting him for allotment of residential quarters No. D-350 III one which fell vacant due to the transfer of one P. Rajaiah, Watchman from Mandamarri to C.C.C. Plant, Ramakrishnapuram and that he personally approached the said Additional Chief Mining Engineer with a request and the said officer assured the petitioner that he would be allotted the quarter in the begin-

ning of September, 1982 that the petitioner had with express permission of the said Addl. Chief Mining Engineer and the petitioner moved the said residential quarters pending formal allotment of the said quarters in his name. The counsel for the Petitioner argued that though he came to occupy the said residential quarter with the express consent and permission of the Addl. Mining Engineer, Mandamarri Division and the then D.P.O. He further argues that from 1-1-1984 till he was dismissed from service on 31-1-1985 he was not paid the house rent allowance payable to him on the ground that he was occupying the said quarters, and finally by an order dated 25/27-1-1985 the petitioner was dismissed from service on the allegation that charges levelled against him are proved and they are grave and serious in nature, and that the order of dismissal from service is illegal.

8. The contention of the counsel for the Respondent on the other hand stated that the petitioner illegally occupied quarter bearing No. D-350 III Zone of Mandamarri Area which fell vacant due to the transfer of one Sri R. Rajaiah, Watchman, the management requested him to vacate the quarter so as the other incumbent has to occupy the same, that according to the Company's seniority list another Watchman who was senior is eligible to occupy the quarter, that repeated instructions given by the Management requesting the petitioner to vacate the quarter he has not chosen to do so, that the Colliery Manager has not recommended the case of Sri Sothuku Rayalingu for allotment of quarter, more particularly the quarter No. D-350 III Zone. Since the Petitioner has illegally occupied the quarter, he was treated as unauthorised occupant of the quarter and the Respondent initiated disciplinary action by invoking the provisions of the Standing Orders. He further argued that as the petitioner did not vacate the quarter, he was charge sheeted on 3-11-1982, a regular enquiry was conducted and the charges were proved by the Enquiry Officer and finally he was dismissed from service.

9. In this case, the simple point is that the petitioner occupied the quarters of the Respondent-Management unauthorisedly. The Petitioner has made an application to the Additional Chief Mining Engineer of Mandamarri personally on 1-7-1982 for an allotment of residential quarters No. D-350 III which was vacated by Sri P. Rajaiah, Watchman, and the said Additional Chief Mining Engineer assured the petitioner that he will allot the quarter to him in the beginning of September, 1982, the petitioner had with express permission, occupied the said quarter, of the express consent and permission of the Additional Chief Mining Engineer, Mandamarri Division and the then D.P.O. The case of the Petitioner is that from 1-1-1984 till he was dismissed from service on 31-1-1985 he was not paid the house rent allowance payable to him on the ground that he was occupying the said quarters. The Petitioner contended that the failure to vacate the quarters cannot be termed as misconduct so as to warrant disciplinary action unless it is included in the certified Standing Orders. The Respondent Management can take necessary steps to evict the quarters if the petitioner fails to vacate the quarters. The orders referred to in the Standing Orders would relate to the duties of an employee and if the employee fails to vacate the quarters occupied by him, it cannot be termed as disobedience of lawful orders issued by the superior as to come within the purview of misconduct to take disciplinary action. The counsel for the Petitioner relied upon the judgement reported in 1972 Services Law Report (Mysore) at page 59 of Karnataka High Court wherein it was held that disciplinary action for failure to vacate the departmental quarters is unwarranted and it cannot be taken even on the ground of disobedience of any lawful orders issued by the superior officer. The disciplinary action taken against the petitioner is therefore illegal and invalid. So the action taken by the Respondent-Management against the petitioner for disobedience has not merits to the Present case of the Respondent-Management. The further contention of the Petitioner counsel that the petitioner was not paid the house rent allowance from 1-1-1984 to 31-1-1985 when the order of dismissal became effective. He states that the person who are in occupation of the Departmental quarters will not be paid house rent allowance and those who are not in occupation of departmental quarters will be paid house rent allowance. The very basis of not paying Petitioner the House Rent Allowance from 1-1-1984 itself deem to have regularised and the same has created a tenancy in favour of the Petitioner and the Respondent-Management cannot take any disciplinary action after regularising his

petitioner's occupation of the departmental quarters cannot be termed as unauthorised occupation since the Petitioner gave an application dated 1-7-1982 and with the express consent of the Additional Chief Mining Engineer and the then D.P.O. pending formal allotment of the said quarters to the Petitioner.

10. In the result, the action of the Management of Singareni Collieries Company Limited, Mandamari, in dismissing Sri Sothuku Rayalingu, Ex-General Mazdoor, KK-2 Incline, from his services is illegal and unjustified. Sri Sothuku Rayalingu is entitled to be reinstated into service with full back wages and all other attendant benefits with continuity of service.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of October, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on

behalf of Respondent-Management :

MW-1—J. Shyam Babu

Witnesses Examined on

behalf of Petitioner-Workman :

WW 1—Sothuku Rayalingu.

Documents marked for the Respondent-Management

Ex. M-1/21-5-85—Photostat copy of the letter issued by the Agent, KK-1, 2 and 2-A Incline with regard appointment of Sri J. Shyam Babu, Personnel Officer as Enquiry Officer in KK-1 Incline, KK-2 Incline, KK-2-A and Departments.

Ex. M-2/7-4-83—Copy of the letter issued by the Addl. C.M.E., MM to Sri J. Shyam Babu appointed as Enquiry Officer to conduct domestic enquiries at KK-1/KK2, KK-5, KK-5-A and other departments.

Ex. M-3/6-9-84—Charge Sheet dated 6-9-84.

Ex. M-4—Acknowledgement given by S. Rayalingu with regard to receipt of the charge sheet.

Ex. M-5/13-9-84—Letter submitted by Sothuku Rayalingu, General Mazdoor to the Colliery Manager, KK-2 Incline.

Ex. M-6/20-11-84—Copy of the Enquiry Notice issued by the C MGR, KK-2 to Sothuku Rayalingu.

Ex. M-7/22-11-84—Acknowledgement given by Sothuku Rayalingu with regard to receipt of the Enquiry Notice dated 20-11-1984.

Ex. M-8—Enquiry Proceedings.

Ex. M-9—Enquiry Report.

Ex. M-10/25/27-1-85—Copy of the Dismissal letter issued by the Addl. Chief Mining Engineer, Mandamari Division to Shri Sothuku Rayalingu, General Mazdoor.

Ex. M-11/29/30-10-82—Letter addressed by Dy. C.M.F. KK-2 with regard to vacation of Quarter No. D-350 III Zone.

Ex. M-12/3-11-82—Charge Sheet.

Ex. M-13—Acknowledgement of Charge Sheet.

Ex. M-14/5-11-82—Explanation given by the Sothuku Rayalingu.

Ex. M-15—Enquiry Proceedings along with Enquiry Report.

Documents marked for Petitioner-Workman :

NIL

आदेश

नई दिल्ली, 25 नवम्बर, 1993

का. आ. 2688.—जबकि सैमर्स वेस्टर्न कोलफील्ड्स लि., पेंच क्षेत्र के प्रबंधन के संबंध में नियोजकों और उनके कामगार जनता प्रतिनिधित्व संयुक्त कोयला मजदूर संघ कर रहा है, के बीच एक औद्योगिक विवाद विद्यमान है,

और जबकि, उक्त नियोजक और उनके कर्मकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उप-धारा (1) के अंतर्गत एक लिखित करार द्वारा उक्त विवाद को विवाचन के लिए भेजने पर सहमत हो गये हैं और उक्त विवाचन करार की एक प्रति केन्द्रीय सरकार को भेज दी गयी है,

अतः अब उक्त अधिनियम की धारा 10-क की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एनद्द्वारा उक्त करार को प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अंतर्गत पक्षकारों के नाम)

नियोजक/प्रबंधन के प्रतिनिधि कर्मकारों के प्रतिनिधि

- | | |
|---|--|
| 1. श्री एस. बी. कटियार
अतिरिक्त मुख्य कार्मिक
प्रबंधक वेस्टर्न कोलफील्ड्स लि.,
पेंच क्षेत्र, डाकघर :
पारमिया,
जिला : छिदवाड़ा
(मध्य प्रदेश) | 1. श्री लोचन प्रसाद,
अध्यक्ष,
एस. के. एम. संघ (एटक)
चांदामेड़ा,
जिला—छिदवाड़ा (मध्य प्रदेश) |
| 2. श्री सी. एल. जायसवाल,
उप कार्मिक प्रबंधक,
वेस्टर्न कोलफील्ड्स लि.,
पारमिया,
जिला—छिदवाड़ा (मध्य प्रदेश) | 2. श्री पी. के. बनर्जी,
महासचिव,
एस. के. एम. संघ (एटक)
चांदामेड़ा,
जिला—छिदवाड़ा (मध्य प्रदेश) |

हम अधीहस्ताक्षरकर्ता एनद्द्वारा आचरण मंहिना के अंतर्गत नीचे निर्दिष्ट विवाद को माननीय विवाचक पूर्ब उप

मुख्य श्रमापेक्षित श्री के. शानमचवेल, जो कि इस समय मद्रास में हैं, के पास भेजने के लिए सहमत हैं :—

मांग संख्या 1 के संबंध में :—

“क्या वेस्टर्न कोलफील्ड्स लि. पेंच क्षेत्र, डाकघर-पारसिया, जिला—छिंदवाड़ा (मध्य प्रदेश) की चांदामेट्टा कोलियरी की महादेवपुरी इंकलाब में इंकलाब के उत्थान के लिये खनिज श्रमवैपण निगम लि. द्वारा नियोजित कर्मचारियों (सूची संलग्न है) को एन.सी. डब्ल्यू.ए.-III के अनुसार वेतन का भुगतान न किया जाता न्यायोचित है। यदि नहीं तो कर्मचारी किस अनुतोष के हकदार हैं?”

मांग संख्या 2 के संबंध में :—

“क्या वेस्टर्न कोलफील्ड्स लि., पेंच क्षेत्र, डाकघर-पारसिया जिला—छिंदवाड़ा (मध्य प्रदेश) की चांदामेट्टा कोलियरी की महादेवपुरी इंकलाब में इंकलाब के उत्थान के लिये खनिज श्रमवैपण निगम लि., द्वारा नियोजित इन कर्मचारियों (सूची संलग्न है) की 12-8-88 से सेवाएं समाप्त किये जाने की कार्रवाई न्यायोचित है? यदि नहीं तो कर्मचारी किस अनुतोष के हकदार हैं?”

हम इस बात से भी सहमत हैं कि विवाचक का निर्णय हम पर बाध्यकारी होगा।

विवाचक अपना पंचाट तीन महीने की अवधि के अन्तर अथवा हमारे बीच हुए परस्पर लिखित करार द्वारा बढ़ाये गये समय के अंदर देगा। यदि उक्त करार की बढ़ाई गई अवधि के अन्तर पंचाट नहीं दिया जाता है तो विवाचक के लिए भेजा गया विवाद का संदर्भ स्वतः निरस्त हो जाएगा और हम नये सिरे से विवाचन के लिए बातचीत करने को स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

नियोजक के प्रतिनिधि :

ह/-

(एस. बी. कटियार)

ह/-

(सी. ए. जयायसवाल)

कर्मचारियों के प्रतिनिधि :

ह/-

(लोचन प्रसाद)

ह/-

(पी. के. बनर्जी)

विवाचक की सहमति

सेवा में

श्री ए. बी. कटियार,
अतिरिक्त मुख्य कार्मिक प्रबंधक,
डब्ल्यू. सी. एल. पेंच क्षेत्र

श्री पी० के० बनर्जी,
महासचिव,
एस० के० एम० एस० (एटक),
चांदामेट्टा

2714 GI/93—4.

विवरण :—डब्ल्यू. सी. एल. पेंच क्षेत्र की महादेवपुरी स्थित नई इंकलाब के उत्थान के लिए एन० ई० सी० एल० द्वारा नियोजित पूर्व-कर्मचारियों के संदर्भ में आचरण संहिता के अंतर्गत दिनांक 8-4-89 को ठुप्रा विवाचन संबंधी करार।

प्रिय महोदय,

उपरोक्त विषय पर अपने पत्र संख्या डब्ल्यू.सी.एल./पेंच/पी/2/934/89, दिनांक 9 अप्रैल, 1989 का प्रवलोकन करें। मैं एतद्वारा एक विवाचक के रूप में कार्य करने के लिए अपनी सहमति देता हूँ।

भवदीय,

ह/-

(के. शानमचवेल)

31, I एवेन्यू,

अशोक नगर,

मद्रास-83

[फा. सं. एन-22015/12/91-आई.आर. (सी)-II]

राजा लाल, डेस्क अधिकारी

ORDER

New Delhi, the 25th November, 1993

S.O. 2628.—Whereas an industrial dispute exist between the employees in relation to the management of M/s. Western Coalfields Ltd., Pench area, and their workmen represented by Samyukta Koyla Mazdoor Sangh;

And whereas, the said employers and their workmen have by a written agreement under sub Section (1) of Section 1-A of the I.D. Act, 1947 (14 of 1947) agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-Section (3) of Section 10-A of the said Act, the Central Government hereby publishes the said agreement:

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947)
BETWEEN

Name of the parties:

Representing Employer/
Management

Representing Workmen

1. Shri S.B. Katliyar
Addl. Chief Personnel
Manager
Western Coalfields Ltd.,
Pench Area,
PO : Parasia,
Distt. Chhindwara (M.P.)

1. Shri Lochan Prasad
President,
S.K. M Sangh (AITUC)
Chandametta,
Distt. Chhindwara (M.P.)

2. Shri C.L. Jaiswal,
Dy. Personnel Manager
Western Coalfields Ltd.,
Pench Area,
PO : Parasia,
Distt. Chhindwara (M.P.)

2. Shri P.K. Banerjee,
General Secretary,
S.K.M. Sangh (AITUC)
Chandametta,
Distt. Chhindwara (M.P.)

We the undersigned hereby agree to refer the dispute specified below to the Hon'ble Arbitrator Shri K. Shanmughavel, Ex-Dy. CLC now at Madras under code of discipline:

In respect of Demand No. 1 :

"Whether not paying the wages as per N.C.W.A. III to the employees employed through Mineral Exploration Corporation Ltd., (List enclosed) for drivage of incline at Mahadeopuri Incline of Chandametta Colliery of Western Coalfields Ltd., Pench Area, P.O. Parasia, Distt. Chhindwara (M.P.) is justified? If not, to what relief the employees are entitled to?"

In respect of Demand No. 2 :

"Whether the action of terminating the services with effect from 12-8-88 of these employees (list enclosed) engaged through Mineral Exploration Corporation Ltd., for drivage of incline at Mahadeopuri Incline of Chandametta Colliery of Western Coalfields Ltd., Pench Area, P.O. Parasia, Distt. Chhindwara (M.P.) is justified? If not to what relief the employees are entitled to?"

We further agree that the decision of the Arbitrator shall be binding on us:

The Arbitrator shall give the Award within a period of three months or within such further time as may be extended by mutual agreement between us in writing. In case the Award is not made within the extended period of the aforesaid agreement, the reference of the dispute to the Arbitrator shall stand automatically cancelled and we will be free to negotiate for fresh arbitration.

Signature of the parties

Representing Employer :

(Sd/-)
(S.B. Katiyar)
(Sd/-)
(C.L. Jaiswal)

Representing Workmen:

(Sd/-)
(Locha Prasad)
(Sd/-)
(P.K. Banerjee)

CONSENT OF THE ARBITRATOR

To

Shri S.B. Katiyar
Addl. Chief Personnel Manager,
W.C.L. Pench Area
Shri P.K. Banerjee
General Secretary,
S.K.M.S. (AITUC)
Chandametta.

Dear Sir,

Sub : Arbitration agreement dt. 8-4-89 under Code of Discipline referring to the ex-employees engaged by M.E.C.L. for drivage of new Incline at Mahadeopuri WCL of Pench Area.

Reference your letter No: WCL/Pench/P/2/934/89 dated 9th April, 1989 on the above subject I hereby give my consent to serve as an arbitrator.

Yours faithfully,
(Sd/-)

(K. SHANMUGHAVAL)

31, 1st Avenue; Ashoknagar,
Madras-83.

[No. L-22015/12/91-IR(C.II)]

RAJA LAL, Desk Officer

शुद्धि-पत्र

नई दिल्ली, 11 नवम्बर, 1993

का.प्र. 2689.—भारत के राजपत्र भाग II खण्ड 3 के उखड (ii) में दिनांक 16-11-91 के पृष्ठ 4477 में प्रकाशित भारत सरकार के श्रम मंत्रालय की अधिपूचना का.प्र. 2887 दिनांक 30 अक्टूबर, 1991 में "इंद्राज" के स्थान पर "इंद्राद" पढ़ा जाए।

[संख्या एस-38013/30/91-एस.एस-1]

(जे. पी. शुक्ला, भवरसदिव)

CORRIGENDUM

New Delhi, the 11th November, 1993

S.O. 2689.—In the notification of the Government of India in the Ministry of Labour S.O. No. 2887 dated the 30th October, 1991 published on 16th November, 1991 at page 4477 of the Gazette of India Part II Section (3), Sub-section (ii) for 'Indral' read 'Indrad'.

[No. S-38013/30/91-SS.I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 17 नवम्बर, 1993

का.प्र. 2690.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्-द्वारा 1-12-1993 की उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के अध्याय-4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के अन्वय गुजरात राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थातः—

जिला राजकोट के तालुक मोरवी में महेन्द्र नगर की राजस्व एवं पंचायत सीमाओं के अंतर्गत आने वाले क्षेत्र।

[संख्या एस-38013/27/93-एस.एस-1]

जे. पी. शुक्ला, भवरसदिव

New Delhi, the 17th November, 1993

S.O. 2690.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employee's State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st December, 1993 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Gujarat namely :—

"Areas within the revenue and Panchayat limits of Mahendranagar, Taluka Morvi, District Rajkot"

[No. S-38013/27/93-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 18 नवम्बर, 1993

का.आ. 2691.—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री विजय जी. कालान्तरी के स्थान पर डा. आई. पी. पोद्दार को केन्द्रीय न्यासी बोर्ड का सदस्य नियुक्त करती है और भारत के राजपत्र के भाग II, खंड 3 उप-खंड (ii) में दिनांक 13 फरवरी, 1991 को प्रकाशित भारत सरकार, श्रम मंत्रालय की अधिसूचना का.आ. 92(अ) दिनांक 12 फरवरी, 1991 में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में क्रम संख्या 31 और उससे संबंधित प्रविष्टियों में निम्नलिखित प्रतिस्थापित किया जाएगा :—

डा. आई. पी. पोद्दार,
कार्मशियरल हाऊस,
135ए, बिप्लबी राश बिहारी बसु रोड,
कलकत्ता-700001

[सं.बी-20012/1/93-एसएस-II]

जे. पी. शुक्ला, प्रवर सचिव

New Delhi, the 18th November, 1993

S.O. 2691.—In exercise of the powers conferred by sub-section (1) of section 5-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Dr. I. P. Poddar as a member of the Central Board of Trustees in place of Shri Vijay G. Kalantri and makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. 92(E) dated the 12th February, 1991 published in Part-II Section 3, sub-section (ii) of the Gazette of India Extraordinary dated the 13th February, 1991.

In the said notification against serial No. 31 and entries relating thereto, the following shall be substituted namely:—

Dr. I. P. Poddar,
Commercial House,
135 A, Biplabi Rash Behari Basu Road,
Calcutta-700001.

[No. V-20012/1/93-SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 22 नवम्बर, 93

का.आ. 2692.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-क के साथ पठित धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या 1516 दिनांक 21 जून, 1993 के अनुक्रम में, मैसर्स हिंदुस्तान एंड्रियापोटिक्स लि., विम्परो, पुणे को उक्त अधिनियम के प्रवर्तन से 1 अक्टूबर, 1993 से 30 सितम्बर, 1994 तक की अवधि के लिए जितने यह तारोख भी सम्मिलित है, छूट देती है।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात् :—

(1) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवृत्त

था (जिसे इतने इतने परवाह उक्त अवधि कहा गया है) ऐसी विवरणियाँ ऐसे प्ररूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उक्त उक्त अवधि को बाबत देनी थी,

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरोधक या इस निमित्त प्राधिकृत निगम का कोई अन्य पदधारी,—

(i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि के लिए दी गई किसी विवरणी की विशिष्टियों को सत्यपित करने के प्रयोजनों के लिए, या

(ii) यह अभिनिश्चित करने के प्रयोजनों के लिए कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिये रखे गए थे या नहीं, या

(iii) यह अभिनिश्चित करने के प्रयोजनों के लिए कि कर्मचारी, नियोजक द्वारा दी गई उन प्रसुविधाओं को, जो ऐसी प्रसुविधाओं हैं जिनके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हुआ है, या नहीं, या

(iv) यह अभिनिश्चित करने के प्रयोजनों के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

(क) प्रधान नियोजक या अश्वयुक्त नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या

(ख) ऐसे प्रधान नियोजक या अश्वयुक्त नियोजक के अधिभोग में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारसाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और भर्तदारी के संशय से संबंधित ऐसे लेखाबहियाँ और अन्य वस्तुवैज, ऐसे निरोधक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या

(ग) प्रधान नियोजक या अश्वयुक्त नियोजक को, उनके अधिकर्ता या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति को जिसके बारे में उक्त निरोधक या अन्य पदधारी के पास यह विश्वास करने का, युक्तिमय कारण है कि वह कर्मचारी है, परीक्षा करना, या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा बही या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

[संख्या एस/38014/39/91-एस. एस-1]

जय प्रकाश शुक्ल, अधिवक्ता

स्पष्टीकारक ज्ञापन

इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पर उकार्यवाही करने में समय लगा था। किंतु यह प्रमाणित किया जाता कि छूट को भूतलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 22nd November, 1993

S.O. 2692.—In exercise of the powers conferred by Section 87 read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the Notification of the Government of India in the Ministry of Labour No. S.O. 1516 dated the 21st June, 1993 the Central Government hereby exempts M/s. Hindustan Antibiotics Limited, Pimpri, Pune from the operation of the said Act for a period of one year with effect from 1st October, 1993 upto and inclusive of the 30th September, 1994.

2. The above exemption is subject to the following conditions, namely:—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950.
- (2) Any Inspector appointed by the Corporation under sub-section (1) of Section 45 of said Act or other official of the Corporation authorised in this behalf shall, for the purpose of :—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the said Act has been complied with during the period when such provisions were in force in relation to the said factory.

be empowered to:—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/39/91-SS-1]

J. P. SHUKLA, Under Secy.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the processing of the application took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

नई दिल्ली, 15 नवम्बर, 1993

का.धा. 2693.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हुट्टी गोल्ड मींस के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवादों में केन्द्रीय सरकार औद्योगिक अधिहरण बैंगलूर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-93 को प्राप्त हुआ था।

[सं. एल-43011/5/90-आई आर (फि.घ)]

कै. वी. वी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th November 1993

S.O. 2693.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Hutti Gold Mines and their workmen, which was received by the Central Government on 11-11-93.

[No. L-43011/5/90-IR(M'sc.)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated this 29th day of October, 1993.

PRESENT :

Sri M. B. Vishwanath. B.Sc., B.L., Presiding Officer.

Central Reference No. 59/90

I Party :

The General Secretary, Hutti Gold Mines Supervisory Staff Association, Hutti-584115.

(By Sri M. Nagappa, Advocate).

II Party :

1. The General Manager, Hutti Gold Mines Co. Ltd., Hutti-584115.

2. The Vigilance and Administrative Officer, Hutti Gold Mines Co. Ltd., Hutti-584115.

(By Shri N. S. Rajaram, Advocate).

AWARD

In this reference made by the Hon'ble Central Government by its order No. 43011/5/90-IR (Msc.) Dt. 23-10-1990 under Sec. 10(4A) of the I.D. Act the point for adjudication as per schedule to reference is :—

"Whether the action of the management of Hutti Gold Mines Co. Ltd., Hutti in effecting the changes in the working hours of the workmen is justified? If not what relief are the workmen concerned entitled to?"

2. In the claim statement it is contended :—

There are about 4500 employees in the II party mines. Out of these 4500 employees 500 employees constitute the clerical staff. These 500 employees are represented by the I party Union Hutti Gold Mines Supervisory Staff Association, Hutti. The clerical staff have been working 6-1/2 hours a day for the last more than 40 years. In the settlement dt. 5-10-88 between the II party and the Hutti Gold Mines Staff and Employees Union the management proposed under Clause 22 that the working hours of all sections of employees should be increased to 8 hours a day after discussion and the then Union of employees accepted this in principle to come to a settlement in this regard after detailed examination and discussion, on or before 31-12-88. But the Management did not make any proposal within 31-12-88 and therefore clause 22 of the Settlement (Ex. M-1) is no longer enforceable. The management could have changed the working hours only through the negotiation and settlement between the representatives of the management and representatives of clerical staff (I party members) on or before 31-12-88. The management could not have invoked the provisions of Sec. 9(A) of the I.D. Act. The management could not have unilaterally altered the working hours of the I party from 6-1/2 hours a day to 8 hours a day. The action of the II party in enhancing the working hours of I party members is illegal. The notice dt. 12-5-90 issued by the II party in form No. E Under Rule 34 of the I.D. Act to change the working hours is illegal. This notice has been given effect to from 1-6-90. All the notices are illegal and without jurisdiction. The notice issued by the management dt. 28-5-90 changing the working hours is illegal. The wages were fixed to the I party members and other employees on the basis of working hours prior to notice of change. Without increasing the wages and salary the management cannot enhance the working hours. The I party has prayed that a notice as per which the number of working hours of the I party clerical staff has been enhanced be set aside. The I party, alternatively, has prayed for award directing the II party to compensate for the increased working hours by paying increased wages.

3. In the counter statement it is contended:—

The working hours of the underground employees has always been 8 hours a day. The working hours of most of the employees working above grounds has also been 8 hours a day. Only in few departments, they are working less than 8 hours, ranging from 6-1/2 hours to 7 hours. As per Section 30(1) of the Mines Act, an adult above ground has to work 8 hours a day. In order to streamline the working hours of all the employees and to increase production and efficiency of all employees, the increased change of working hours has been brought. This change in working hours has been effected in pursuance of the Clause in the settlement dated 5-10-1988. There was only one trade Union of workmen including the Supervisory Staff under the name and style of Hutti Gold Mines Staff and Employees Union which is recognised by the II party. The Hutti Gold Mines Supervisory Staff Association was not in existence at that time but came into existence after the said settlement. It was not recognised by the II party. As per Clause 22 of the settlement the Union agreed that the working time in all the sections of the company and of the workmen should be 8 hours a day. However, since the modalities of timing of working required a detailed examination, the parties agreed that they would discuss the issue involved and arrive at a settlement subsequently. Further,

as per clause 25(c) of the settlement the Union had categorically agreed that during the period of agreement no demands shall be raised by the Union having financial implication. Clause 22 read with 25(c) clearly demonstrates that the intention of the parties especially the recognised Union that the working time of all the workmen in all sections shall be made 8 hours per day without having any financial implications on the management.

4. Clause 6(a) of the certified standing orders of the Company has also been invoked. On 3-5-90 the representatives of the Union reiterated their acceptance to work 8 hours in all sections (Ex. M. 6). The standing orders of the company empower the Management to fix the working hours in accordance with the Mines Act. As required by the rules the notice of change was put up on the notice board and a copy of the notice has been served on the registered Union of the workmen. In the meantime, a section of the staff formed another Union under the name and style Hutti Gold Mines Supervisory Staff Association (I party Union). This Union was registered only in the month of October, 1989. On the day of settlement dated 5-10-88 the I party members were also members of the earlier Union. The terms of the settlement (Ex. M.1) are binding on the members of the I party Union. The revised working hours has come into force w.e.f. 1-6-90. The contention that clause 22 of the settlement dated 5-10-88 is not enforceable is not tenable in Law. It is not true that the management did not hold negotiation with the workmen. The representatives of the Union have reiterated on 3-5-1990 for the increase of working hours. The II party management has given notice under Sec. 9(A) of the I.D. Act, giving 21 days notice to the workmen covered by the revised working hours. It is not true that the notice is invalid. The reference has to be rejected.

5. On 31-12-1990 the Tribunal has noted that in the order sheet that the issue or point for adjudication is covered by the Schedule to the reference and no separate issues are required.

6. On behalf of the II party M.Ws. 1 to 3 have been examined. M.W. 1 Rajkumar is the Personnel Manager of the II party. M.W. 2 Wagsaran was the General Manager of the II party sometime in April, 1989. M.W. 3 Janardhan Rao was working as Vigilance and Administrative Officer of II party when the notice of change of working hours as per Ex. M. 4 was issued.

7. On behalf of the I party W.W. 1 S. Megavathan, General Secretary of the I party Union and Raghavendrachar who was working as a clerk in the II party and who was subsequently promoted as Supervisory have been examined.

8. Ex. M. 1 is the memorandum of settlement entered into between the II party company and Hutti Gold Mines Staff and Employees' Union (HGMSEU) on 5-10-1988. The present I party is Hutti Gold Mines Supervisory Staff Association, Hutti. This association has come into existence, it is not in dispute, in the year 1989 and has been registered. The settlement Ex. M. 1 has been arrived at in the course of conciliation proceedings between HGMSEU and the II party company. The present I party consists of about 300 employees constituting clerical staff. The I party Association HGMSSA represents these 300 employees.

9. It bears repetition. The grouse of the members of the I party Association (300 member of clerical staff) is that they have been working 6-1/2 hours a day for the last 40 years and the II party management has raised their working hours to 8 hours a day and this cannot be done. The II party management has relied on clause 22 of the settlement Ex. M. 1. This clause says :—

"The Management proposed that work-time in all Sections of the Company and of all workmen should be 8 hours a day and the Union accepted this in principle. However, since this matter requires a detailed examination both agreed that they would discuss the issues involved and arrive at a settlement on or before 31st December, 1988."

From this clause it is clear that the workmen at any rate the I party workmen had agreed in principle to increase the

work time to 8 hours a day. How this increase in working hours should be effected is stated in Clause 22 itself. It says that since this matter requires detailed examination both have agreed that they would discuss the issues involved and arrive at a settlement on or before 31-12-88. In my opinion, it is abundantly clear that the workmen have agreed to work 8 hours a day only in principle. That the working of 8 hours a day should be arrived at by a detailed examination and discussion of the issues involved between the two parties by a separate settlement. The II party has not placed any fulfilled separate settlement arrived at between them and the I party or HGMSEU. So the II party cannot be permitted to take recourse to clause 22 to increase the working hours of the I party workmen from 6-1/2 to 8 hours a day.

10. It is argued by the Learned counsel for the II party that some of the members of the I party Association were parties to Ex. M-1 settlement and so Ex. M-1 is binding on the I party. I agree. That does not help the II party because II party has not placed before this Tribunal any separate settlement arrived at as stated in clause 22 of Ex. M-1. MW2 Wagisman, the General Manager of the II party company has stated in cross examination that the I party members have been working for the last 40 years 6-1/2 hours a day. He has further stated that in Ex. M-1 it is not finalised that the working hours should be 8 hours a day as stated in clause 22. He has stated that it was not finalised because it required mutual discussions. This say of MW-2 clearly shows that a separate settlement as contemplated under clause 22 of Ex. M-1 has not been arrived at and so II party cannot increase the working hours.

11. Ex. M-6 dated 3-5-1990 shows the minutes of the negotiating committee held between II party company and the HGMSEU. On the date of Ex. M-6 the I party Association was in existence. In the minutes Ex. M-6 it is stated that the General Secretary "would not involve either himself or his Union as a party for introduction of 8 hours of work." The Learned counsel for II party relied on the recital Ex. M-6 (a) in Ex. M-6 which states :-

Citing clause 22 of Settlement dated 5th October, 1988 General Secretary claimed that the Union had already agreed for 8 hours work for all workmen and hence Management could take action accordingly".

It is obvious that the General Secretary refers to the 8 hours work agreed in principle as stated in Ex. M-1. Ex. M-6 (a) cannot be understood to mean that II party is permitted, without mutual discussion and detailed examination and a separate settlement to increase the working hours from 6-1/2 hours to 8 hours a day. Ex. W-2 is the letter written by the General Secretary, HGMSEU to the Vigilance and Administrative Officer of II party denying that their Union had agreed for increasing the working hours to 8 hours a day for all the workmen. The Learned counsel for the II party relied on clause 19 (2) of the I. D. Act which says that the settlement shall be binding for such period as is agreed upon by the parties.

Clause 26 of the settlement Ex. M.1 says that this settlement shall be in force for a period of 4 years w.e.f. 1-4-88. The fact that Ex. M.1 shall be in force for a period of 4 years from 1-4-88 does not come to the rescue of II party since no separate settlement contemplated under clause 22 of Ex. M.1 has been arrived at. It has been laid down by the Supreme Court in AIR-1978 S.C. 828 (M/s. Tata Chemicals Ltd., vs. The workmen employed under M/s. Tata Chemicals Ltd.) that the I.D. Act Sec. 2(n) includes two categories of settlements one arrived at in the course of conciliation proceedings and another a written agreement between employer and workmen arrived at otherwise than in the conciliation proceedings. In the instant case the II party has not produced any peace agreement or settlement arrived at in pursuance of clause 22 of Ex. M.1. It is further argued by the Learned counsel for the II party that the employees have derived financial benefit under the settlement dt. 5-10-88 and so they are estopped from contending that the II party cannot increase the working hours to 8 hours a day. In the Supreme Court authority referred to by me just now it has been laid down that acceptance of benefits flowing from the settlement even

by workmen who are not signatory to it does not operate as estoppel against minority union raising some demands.

12. The Learned counsel for the II party relied on the notice of change Ex. M.4 and the annexure Ex. M.3 along with Ex. M.4. The notice Ex. M.4 has been issued under Sec. 9-A of the I.D. Act, by the General Manager giving notice to all concerned that it was the intention of II party to effect the change in working hours from 1-6-90. Ex. M.4 is dated 12-5-90. It is issued in Form I as per rule 34 of I.D. Act. W.W.1 Megarath who has been working in the II party as supervisor in transport section and who is the General Secretary of the I party Association has stated in his evidence at para 7 that after Ex. M.3 was served on them on 19-5-90, they filed objections to the change of working hours as per Ex. W.4 which shows the I party has not agreed to increase of working hours. Sec. 9-A of the I. D. Act says that no employer who proposes to effect any change in conditions of service applicable to any workman specified in the fourth schedule, shall effect such change within 21 days of giving such notice. This provision clearly says that the change in the conditions of service should be effected only 21 days after giving such notice of change. Ex. M.4 is dated 12-5-90 and the change in the working hours, according to Ex. M.4, was w.e.f. 1-6-90. So, calculated from 12-5-90 to 31-5-90 it comes to 20 days. This is the position even if the date of Ex. M.4 is taken into account. Interpreting Sec. 9-A and the notice of change it has been laid down by the Hon'ble Supreme Court in AIR 1985 S.C. 670 (The workman of Food Corporation of India vs. M/s. Food Corporation of India) at page 678 para 19 that the change cannot be effected by the employer within 21 days of giving such notice. Supreme Court has laid down Management cannot do so without giving to the workmen likely to be affected by the change, a notice in the prescribed manner of the nature of the change proposed to be effected and within 21 days of giving such notice. It is argued by the Learned counsel for the II party that the change in the working hours was effected from 12-7-90. This is not pleaded in the counter statement. Secondly it goes against the contents of Ex. M.4. MW1 Rajakumar, the Personnel Manager of the II party has stated in his evidence that after notice of change the change of working hours was implemented from 1-6-90. The argument advanced on behalf of the II party fails.

13. The General Secretary of the I party Association W.W.1 has stated in his evidence that the notice of change Ex. M.3 (which includes Ex. M.4 also) was served on them on 19-5-90. If this date 19-5-90 is taken into consideration, the change in the increase of working hours has been given effect to immediately after 12 days, but not after 21 days. On this score also Ex. M.3 and 4 are illegal.

14. The Learned counsel for the II party relied on the proviso (a) to Sec. 9-A(a) and (b) which says that where change is effected in pursuance of any settlement no notice shall be required for effecting any such change. In the instant case, as I have repeatedly pointed out, there is no settlement to effect the change in working hours. This provision, therefore, is not helpful to the II party.

15. The Learned counsel for the II party argued that the notice of change was given by way of abundant caution and even otherwise the II party was entitled to effect the change in working hours as per standing order 6(a) applicable to the workmen. Ex. M.5 is the standing orders for the workmen of II party. The standing order 6(a) says that various departments or sections of departments carrying out such operations of the employer will work on such days for such time as the employer may from time to time fix subject to the provisions of laws applicable to the industry from time to time and such working days shall be notified to the workmen by exhibiting in English and Kannada on notice boards maintained at or near main entrance of the establishment. In my opinion this provision cannot override the provisions of the I. D. Act. Further more as I understand standing order 6(a) and (b) they do not contemplate increase in the number of working hours. They contemplate change in the shifts or places of work or days of working in respect of the working hours already fixed. The phrases used in the standing orders 6(a) and (b) "such days", "such time", "such hours", clearly show that they relate to already fixed

hours of work and they do not permit the management to increase the working hours.

16. In para 7 of the counter statement it is stated that as per clause 6(b) of the standing orders workmen may be required to work on such hours and shifts from time to time depending on the exigencies of work or practice of rotation. It is significant to note that it is not stated in the counter statement that the hours of change have been notified to the workmen by exhibiting in English and Kannada on notice boards maintained at or near main entrance or at the time keeper's office. There is nothing to show that these modalities have been complied with.

17. For the aforesaid reasons the argument that the II party was entitled to enhance the working hours in view of standing orders 6(a) and (b) cannot be accepted.

18. The Learned counsel for the II party relied on Sec. 30 of the Mines Act, 1952. I have carefully read this Section. This section relates to the minimum and maximum time of work that an adult employee above the ground in a mine is required or allowed to work. This has absolutely no application to this reference. Sec. 30 does not deal with increase of working hours.

19. The Learned counsel for the II party argued that the working hours of the members of the I party Association had been increased to streamline the work. This can't be done in violation of the mandatory provisions of Law. The Learned counsel for the II party has relied on 1981 (1) L.L.J. S.C. page 2 (LIC v/s. D. J. Bahadur and others) wherein it has been laid down that a Settlement will be continued to be binding on the parties even after its expiry until it is replaced by a new settlement. He has relied on 1981 (2) L.L.J. S.C. 429 (Tata Engg. & Locomotive Co. Ltd. v/s. Workmen) wherein it has been laid down that a settlement in conciliation under Sec. 18(3)(a) is binding on the parties thereto. These authorities contemplated a valid settlement arrived at between the parties. In the instant case no settlement is arrived at in pursuance of Clause 22 in Ex. M.1. The Learned counsel for the II party relied on 1984 (Vol-65) Indian Factories Journal 61 (Sudhir Chandra Sarkar v/s. Tata Iron & Steel Co. Ltd. and others) wherein it has been laid down by the Supreme Court that standing orders, certified under Industrial Employment (Standing Orders) Act, 1946 have the force of law. This authority relates to payment of gratuity and other retirement benefit of a workman. In the list of authorities submitted by the Learned counsel for the II party it is mentioned that the management is empowered to effect changes in working hours. I do not find this sentence anywhere in the body of the Judgment. Nor was the sentence pointed out by the Learned counsel for the II party. It is not laid down in this authority that the standing orders can override the mandatory provisions of I.D. Act. The authorities submitted on behalf of the II party management are not applicable.

ORDER

The action of the management Hutti Gold Mines Co. Ltd., Hutti in effecting changes in the working hours of the I party workmen is not justified. Members of the I party Association who were working 6-1/2 hours a day shall be permitted to work 6-1/2 hours a day. Award passed as stated herein accepting the reference. Submit to Government.

(Dictated to Stenographer, typed by him corrected, signed by me on this 29th day of October 1993).

M. B. VISHWANATH, Presiding Officer

नई दिल्ली, १७ नवम्बर, १९९३

का.आ. २६९४.—औद्योगिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में, केंद्रीय सरकार भाखड़ा व्यास मैनेजमेंट बोर्ड के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण

का.आ. २६९४ के संबंध में प्रकाशित की जाती है, जो केंद्रीय सरकार की १६-११-९३ को प्राप्त हुआ था।

[सं. एन-४२०१२/१२/९०-आई.आर. (डी.यू.) (पी.टी.टी.)]

के बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 17th November, 1993

S.O. 2694.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on 16-11-1993.

[No. L-42012/12/90-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 182/90

Sita Ram

Vs.

Bhakra Beas Management Board.

For the workman—Shri Dhani Ram.

For the management—Shri D. L. Sharma.

AWARD

Central Government vide Gazette Notification No. L-42012/12/90-I.R. (DU) dated 30th of November 1990 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Bhakra Beas Management Board, Sundernagar in refusing to correct the date of birth of Shri Sita Ram, Work-mistry, Stores and Disposal Division, BBMB, Sundernagar is justified? If not, what relief the concerned workman is entitled to and from what date?"

2. Case of the petitioner in the present reference is that he rendered his services at Bhakra Dam from 20-12-1954. Upon completion of Bhakra Dam he joined BSL Project on alternative appointment w.e.f. 23-9-1965. He becomes the employee of the BBMB by virtue of 2-C Award. There he worked till his superannuation on 31-7-1990. He alleged that he had put in 36 years of service from 20-12-1954 to 31-7-1990. According to him he has been wrongly superannuated on 31-7-1990 treating his date of birth as 1-7-1930 entered in the service book. He claims his date of birth as 7-3-1936 and not 1-7-1930 as per Registrar of Death and Births of Bilaspur, Himachal Pradesh. He claims that he being illiterate did not know his date of birth and thus was not correctly recorded the service book. He made representations to the management alongwith birth certificate but they did not correct the same and forcibly retired him on 31-7-1990. He thus claims correction of his date of birth from 1-7-1930 to 7-3-1936. He has sought pensionary benefits and the disciplinary action against the defaulting officials and other reliefs.

3. The management in their written statement has taken the preliminary objection that the claim of the pension is not within the purview of reference and entirely a new issue which can not be adjudicated in the present reference. On merits the plea of the management is that the petitioner was taken from the surplus workmen of BCB during the period from 1-5-1979 to 30-3-1984 in the work charge capacity for the operation and maintenance of the BSL project.

transferred to the management of BBMB in accordance with the provisions of Punjab Re-organisation Act, 1966. The services of the petitioner was never made regular. He has accordingly been relieved from service on 30-6-1990 A.N. after attaining the age of superannuation i.e. 60 years. He was retired on the basis of date of birth recorded in the service book. Entry of the date of birth in the service book has been recorded on the basis of discharge certificate supplied by the petitioner at the time of his appointment on BSL Project Sundernagar. The Bhakra Dam Discharge certificate is itself an authentic proof of date of birth and no other document in support of it is required. Date of birth certificate issued by the Registrar of Deaths and Births Bilaspur (H.P.) can not be admitted due to incomplete particulars mentioned in this certificate. Birth certificate issued by the Pardhan Gram Panchayat Buhar district Bilaspur on verification found that date of birth recorded pertaining to the period 1947 is not available with the Pardhan Gram Panchayat. Therefore, that certificate too is not authentic. The management further pleaded that even at the belated stage otherwise correction is not permissible under the law. It was denied that the petitioner is entitled to any pensionary benefit being working in work charge capacity and not on regular basis and thus has sought the dismissal of the reference.

4. Replication was also filed reasserting the same facts as stated in the claim statement.

5. The petitioner filed his affidavit Ex. W-1. He also relied on the documents Ex. W-2 to Ex. W-7. The management got proved the documents Ex. M-1 and M-2. MW-1 Amarjit Singh SDO is the management's witness. He filed his affidavit Ex. M-3 and relied on the documents Ex. M-4 to M-6. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Representative appearing on behalf of the petitioner has argued that correct date of birth of the petitioner is 7-3-1936 and not 1-7-1930, therefore, the management has wrongly superannuated the petitioner on 30-6-1990 treating his date of birth as 1-7-1930. He has also referred two birth certificates Ex. W-3 and Ex. W-6 and has argued that same relates to the petitioner and his brother. The contention is devoid of any merit legally as well as factually. Ex. W-3 and W-6 are the birth certificates relied by the petitioner. The said two documents are merely photostat copies. The same can not be treated as authenticated unless it is got proved by the competent authority who had issued the same. No witness from the Office of Registrar Deaths and Births has been produced for the authentication of the said documents. Ex. W-3 shows that a male child was born to one Bhagtu on 24-12-1933 (B.S.) (7-3-1936). Vide Ex. W-6 another certificate it has shown that a male child was born to one Bhagtu on 15-8-1988 (B.S.). The petitioner claims that his date of birth is as per Ex. W-3 for which there is no evidence. On both these certificates the name of the child admittedly not written. There is also no independent evidence to show that the said birth certificate relates to the petitioner. Therefore, no distinction can be made out from both these birth certificates which out of them relates to the petitioner. Even Ex. W-6 which according to the petitioner relates to his brother Sonu Ram can be of the petitioner.

8. In order to contravert the said situation the petitioner tried to rely on the certificate issued by the Gram Panchayat showing that Sonu Ram was elder to the petitioner. The said certificate is Ex. M-5. The management made verification in relation to the said certificate issued by the Gram Panchayat. The subsequent certificate Ex. M-6 also issued by the Gram Panchayat stating that date of birth recorded pertaining to the period prior to 1947 is not available to Pardhan Gram Panchayat. Thus both the certificate issued by the Pardhan Gram Panchayat are self contradictory. If there is no record of recording of date of birth prior to the period 1947 how the Gram Panchayat could issue a certificate Ex. M-5 stating that Sonu Ram was born on 15-8-88 (B.S.) and Sita Ram born on 15-4-1993 (B.S.). Therefore, the said certificates in relation to the date of birth and the certificates issued by the Gram Panchayat in relation to the date of birth is no help to the petitioner and he can not derive any benefit out of the same.

9. The petition had initially appointed at Bhakra Dam Project Nangal on 20-12-1954. He worked there till 16-9-1965 till he was given an alternative appointment at BSL Project on 23-9-1965. Ex. M-1 is the discharge certificate of Bhakra Dam Project. Admittedly his date of birth recorded in the discharge certificate as 1-7-1930. The petitioner has admitted in his cross-examination that he submitted all the relevant documents at Bhakra Dam at the time of getting alternative appointment. Even at that stage he had not taken any steps for the correction of his date of birth because he could be well aware that his date of birth as 1-7-1930 as the same being reflected in the discharge certificate which was in his possession. Ex. M-2 is the opening page of the service book when he was given alternative appointment. There too his date of birth is written as 1-7-1930. The petitioner admits in his cross-examination that opening page of the service book also bears his signatures. Thus it implies that it was even at the time of alternative appointment known to the petitioner that his date of birth is 1-7-1930. Even his seniority list Ex. W-7 also shown his date of birth as 1-7-1930.

10. Only at the fag end of his career prior to approximately 8 month to the date of his superannuation he filed an application postponing his date of superannuation by six years. The conduct of the petitioner right from 1954 when he entered in the service till 1989 gives one irrefutable indication that he fully knew that his date of birth entered in the service record was 1-7-1930. He did not challenge the same for almost three and half decades although he had occasions to see his discharge certificate and similarly service book on numerous occasions and he signed the service book at different places but never did he object to the recorded date and the same date of birth also reflected in the seniority list which obviously he might have seen and yet he remained silent and did not seek the alteration of the date of birth till just a few months prior to the date of superannuation. Inordinate an unexplained delay or laches on the part of the petitioner to seek the necessary correction would in any case justify the refusal of relief to him. The ratio of Union of India Vs. Harnam Singh reported in AIR 1993 Supreme Court page 1367 is followed.

11. Claim of pensionary benefits also stands rejected for the reasons that the same is beyond the perview of reference.

12. In view of the discussions made in the earlier paras, the management is justified in refusing to correct the date of birth of the petitioner. He was rightly superannuated on 30-6-1990 taking his date of birth as 1-7-1930. No interference is called for. The reference is dismissed and returned to

Chandigarh.

Dated : 28-10-1993

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 17 नवम्बर, 1993

का. ग्रा. 2695.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सलाल हाईड्रो इलेक्ट्रिक प्रोजेक्ट के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चड़ीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार-को-16-11-83 को प्राप्त हुआ था।

[सं. एन० 2011 / 22 / 87 डी 2 (बी) पीटी]
कै. बी. बी. उन्नी, उक्त अधिकारी

New Delhi, the 17th November, 1992.

S.O. 2695.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Salal Hydro Electric Project and their workmen, which was received by the Central Government on 16-11-93.

[No. 42011/22/87-D.II(B)(PT)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. No. 26/88

Mohan Lal Vs. Rockfill Dam Complex.

For the workman : Shri V. P. Ariary.

For the management : Shri V. K. Gupta.

AWARD

Central Government vide Gazette notification No. L-42011/22/87-D.II(B) dated 3rd June, 1988 issued U/S 10 (1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Dy. Manager, Rockfill Dam Complex, Shep Jyotipuram in terminating Shri Mohan Lal, Beldar T. No. B-9-82 from service with effect from 23-12-1986 is legal/justified. If not, to what relief the workman concerned is entitled and from what date ?”

2. Case of the petitioner in the statement of claim that he was appointed with the project (Salal Hydro Electric Project) on 14-11-1984 as beldar in work charge capacity. He fell ill on 14-4-1986 in his home town and could not attend the duties. He sent his leave application which was reported not to have been received with the authorities. He remained on medical treatment upto 16-6-1986. He reported for duty on 17-6-1986 alongwith medical certificate what was refused to be taken on duty. He was served charge sheet on 21-6-1986. He filed his reply to the said charge sheet. His services were terminated on 23-7-1986. He preferred an appeal to the appellate authority on 29-7-1986 for which no response was given. Later on during pendency of conciliation proceedings his appeal was rejected on 7-10-1986. His grievance is that his termination is quite arbitrary and in violation of the standing orders. Termination order is non-speaking. He was not afforded any opportunity to explain his position and innocence. His termination was without holding of enquiry which is in violation of natural justice, illegal, improper and unjustified. Order rejecting his appeal is

2714 GI/93—5

also without any reasons and non-speaking. He has thus prayed for re-instatement with continuity of service with back wages.

3. The management in their written statement has taken the plea that he absented from duty on 4-4-1986 without prior permission even intimation. Vide letter dated 15-5-1986 he was communicated directing him to resume duty within seven days otherwise he will be deemed to have left service of his own accord for which no reply was received. On 17-6-1986 the petitioner submit his joining report alongwith medical certificate from Block Medical Officer Health and Family Welfare, Reasi. The petitioner vide letter dated 21-6-1986 was asked that why he did not take treatment from the project doctor and directed to produce documentary proof and OPD number alongwith vouchers of medicines. The petitioner in his reply dated 28-6-1986 took the stand that he lost all his prescription slips. He was given direction to appear before Principal Medical Officer, Salal Hydro Electric Project for medical examination in conformity in relation to the disease mentioned in the medical certificate but he did not report for medical examination. He was served charge sheet. In his reply dated 11-7-1986 he explained that he could not report for duty due to some unavoidable circumstances like construction and repair of his house and remained absent from 4-4-1986 to 16-6-1986. He in order to get his absence regularised produced false medical certificate and requested that his first fault be condoned. The plea of the management that in that situation when the petitioner himself admitted his guilt in reply to the charge sheet no further enquiry was necessary and if there would have any it would have empty formality. It is further pleaded that the petitioner was also having blemished record as he was generally absent from duty. Absence for the period of more than 2 months is serious misconduct under standing orders and thus his services were rightly terminated as the petitioner admitted the charges. It was denied that the termination order is not speaking order. It was denied that the letter dated 21-6-1986 was a charge sheet. However charge sheet is dated 5-7-1986 which was served upon the petitioner. According to the management the misconduct of the petitioner is aggravated having first remained absent for two months and 12 days and then filed false medical certificate to get his absence regularised. He does not deserve any leniency or lesser punishment, and thus has sought the dismissal of this reference.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. WW-1 Mohan Lal filed his affidavit Ex. W-1 in evidence. The management got proved the documents Ex. M-1 to M-8. MW-1 Vinayak Chohan, Personnel Officer is the management's witness. He filed his affidavit Ex. M-9 in evidence. The respective parties closed their evidence.

6. The representative appearing on behalf of the petitioner has argued that the order terminating the services of the petitioner due to a prolonged absence without holding any valid enquiry is against the principle of natural justice and liable to be vitiated and has sought reinstatement with

back wages. I find no force in this contention. The petitioner himself without getting sanctioned any leave remained absent w.e.f. 4-4-86 till 16-6-1986. In his own showing in the statement of claim he did send application of leave through his friend which was reported not to have received in the office. It was not even suggested to the management's witness for having received any leave application in the office. Had there been any leave application there would have no necessity for the management for putting his case by the Asstt. Engineer to the competent authority for taking necessary action wherein the petitioner shown to have absent w.e.f. 4-4-1986 to date and further issuing a notice dated 15-5-86 Ex. M1 intimating the petitioner to join duty within seven days.

7. The petitioner submitted his joining report only on 17-6-1986 as apparent from Ex. M2 alongwith medical certificate of Block Medical Officer Ex. M3. He was further asked to clarify for not taking treating from Project Hospital and also to produce doctor's prescription and OPD number and vouchers of medicines vide letter dated 21-6-1986 Ex. M4 which admittedly the petitioner did not produce with a plea having lost the same which can not be accepted for the simple reason that according to him he was under the treatment from 4-4-1986 to 16-6-1986 and the doctor's prescription slip OPD number and vouchers for purchase of medicines were only sought immediately thereafter and it can not be accepted that in such a short time all the prescriptions, medical bills and the vouchers for the purchase of medicines were lost by the petitioner.

8. The petitioner was also subjected to departmental enquiry. Ex. M4 is the memorandum dated 5-7-1986 alongwith statement of article of charges framed against the petitioner. In response to said memorandum of article of charges the petitioner himself admitted his guilt on 11-7-1986 vide Ex. M5. Stating that he could not report for duty due to unavoidable circumstances like construction and repair of house at home and in order to regularise his absence produced false medical certificate and requested for condoning his fault. No doubt that petitioner claims his signatures were obtained on a plain paper but the same can not be accepted having not alleged at any stage of the proceedings. He filed an appeal against the order of termination to the appellate authority. It is not evident that even at that stage he alleged that he signed on a plain paper. In whole of the proceedings i.e. statement of claim, replication and the affidavit of the petitioner there is no such mention that he signed on a plain paper. Even this factum was never suggested to the management's witness in his cross-examination. The petitioner cannot wriggle out of his confession as contained in Ex. M5. Thus it is not open for him to take the plea that no proper enquiry was conducted. In that situation no further enquiry was necessarily to be held otherwise it would have been just a formality. The management was quite justified under that situation to pass termination order dated 23-7-1986.

9. The petitioner is in the service of the management since 1984. No doubt that the action of the petitioner for having remained absent without leave coupled with the fact that he tries to feigns sickness in order to avoid duty by producing false medical certificate was itself a serious act of misconduct. Further in order to justify the extreme penalty of dismissal, it is to be proved that the workman remained absent without leave for an inordinate long period or he is habituated to absent from duty. There is stray reference in the written statement in this respect. However no evidence is led in his regard by the management. The present incident seems to be solitary act of the petitioner during his service career. The present act is a beneficial piece of legislation enacted in the interest of employees. In construing the provisions of a welfare legislation, Courts should adopt a beneficial rule of construction. If two constructions are reasonably possible, the construction which furthers the policy and object of the Act and is more beneficial to the employees, has to be preferred. Further, the object of the Act is to safeguard the service conditions of the employees. It, therefore, demands a liberal interpretation.

10. The present incident pertains to year 1986 and the petitioner was dismissed from service in 1986 itself. He has already suffered agony of long trial and facing of the

department proceedings. The justice must be tempered with mercy and the erring workman should be given the opportunity to reform himself are principle which should be kept in mind while dealing with the punitive action taken against the workman.

11. Therefore, exercising the powers U/s 11-A of the Industrial Dispute Act, 1947 I direct that the petitioner be taken back in the service within two months from the date of publication of this award. He shall not be entitled to the benefits of past service including the back wages. Period of past service shall only be taken into account for the purpose of retirement benefits at the time of his superannuation, if at all, he continues till that date with the management.

12. With this modification in the punishment reference is answered accordingly and returned to the Ministry.

Charadigarh.

Dated : 28-10-93.

ARVIND KUMAR Presiding Officer

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2696.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडिया गवर्नमेंट मिंट, हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-93 को प्राप्त हुआ था।

[सं. एल-16011/1/87-डी 2(बी) (पी०टी०)]

के. बी. बी. उष्णी, डेस्क अधिकारी

New Delhi, the 17th November, 1993

S.O. 2696.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of India Government Mint, Hyderabad and their workmen, which was received by the Central Government on 16-11-93.

[No. L-16011/1/87-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

Present :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I

Dated, the 30th October, 1993

INDUSTRIAL DISPUTE NO. 111 OF 1988
BETWEEN

The Workmen of India Government Mint, Hyderabad.
Petitioner

AND

The Management of India Government Mint, Hyderabad.
Respondent

Appearances :

M/s. S. Jaipura Sundari and P. N. Venkatachari, Advocates for the Petitioner.

Sri P. Damodar Reddy, Advocate for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-16011/187-D.II(B), dt. 30-11-1988 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of India Government Mint, Hyderabad and their workmen to this Tribunal for adjudication.

"Whether the action of the Management of India Govt. Mint, Hyderabad in revising the seniority list of Electrician Gr. I vide Daily Order No. 48 dated 17-7-1986 and then denying Shri Shiv Shankar promotion from the post of Electrician Gr. I to the post of Assistant Mistry is fair and justified? If not, to what relief the said workman is entitled?"

This reference is registered as Industrial Dispute No. 111 of 1988 and notices were issued to the parties.

2. The brief facts of the claims statement filed by the Petitioner-Union read as follows :

The workman concerned is M. Shiva Shankar, Ticket No. 884. He was appointed as Electrician Grade II as probationer in the pay scale of Rs. 210-290 by the Management through D.O. No. 8, dated 11-5-1982 and joined service the same day. Later, the workman was promoted as Electrician Grade II in the scale of Rs. 260-350 on 12-5-1983 and to Grade I in the scale of Rs. 330-480 from 1-5-1985. The seniority of the workman concerned vis-a-vis another workman named Md. Taher, Token No. 885 was maintained by the Management. M. Shiva Shankar, Token No. 884 was promoted to Grade I from 1-5-1985 in the pay scale of Rs. 330-480. While Md. Taher, Token No. 885 was promoted to Grade I in D.O. No. 119 dated 4-2-1986 with effect from 1-2-1986. M. Shiva Shankar thus is senior to Mr. Taher by full nine months. On 17-7-1986 the Management issued D.I. No. 48, purporting to action terms of G.O. Is. O.M. No. 9/11/55-RPs, dated 22-12-1959 (Ministry of Home Affairs) revising the seniority placing Token No. 885, Md. Taher over Token No. 884 M. Shiv Shankar and the same day issued D.O. No. 49 dated 17-7-86, promoting 885 Md. Taher as Assistant Mistry. It is this revision of seniority and promotion ordered, have created the present industrial dispute.

IRREGULARITIES

- (a) D.O. No. 48, dt. 17-7-86 (i) Offends principles of natural justice in that no notice of the proposed charge was given to the affected person giving him an opportunity to show cause against the proposed action. The D.O. is ab-initio void.
- (ii) After showing the workman in the Token No. 884 as senior in the four seniority lists (a) to (d) indicated in 1(2) sub-para, the management is estopped from questioning even indirectly, the seniority which was settled by itself.
- (iii) The Industrial workers are governed by the Standing Orders certified under the Industrial Employment (Standing Orders) Act, 1946 only and not the Civil Services Rules.
- (b) D.O. No. 49, dt. 17-7-1986, (i) Token No. 884 had put up in service in Grade I of one year and two and half months as on 17-7-86, while Token No. 885 had put in only in five and a half months service in Grade I having been appointed in D.O. No. 119, dated 4-2-1986 promoting a junior is contrary to rule 3 of the Hyderabad Mint (Industrial Workers) promotion Rules 1965. Token No. 885 did not even possess the prescribed minimum service of one year as required in Rule 9 thereof.
- (ii) The action is not only contrary to rule, but amounts to discrimination and arbitrary exercise of power.

The Union prays that this Hon'ble Tribunal be pleased to declare Daily Order No. 48 dt. 17-7-1986 as illegal, quash-

ing it and direct notional promotion of Token No. 884 M. Shiva Shankar as Asstt. Mistry from 17-7-1986 in the scale of Rs. 330-480 with all consequential benefits including back-wages etc.

3. The brief facts of the counter filed by the Respondent Mint read as follows :—It is submitted that Sri M. Shiva Shankar petitioner and Sri Md. Taher had been initially appointed as probationary Tradesman on 12-5-1982 and 13-5-82 respectively. For their initial appointment both these workers had been selected in one selection process wherein Sri Md. Taher had ranked first in merit and the petitioner ranked second to him. In the seniority lists notified by over-sight Sri M. Shiva Shankar had been shown as senior to Sri Md. Taher instead of showing Sri Md. Taher as senior to Sri M. Shiva Shankar. This is purely an administrative error which had been rectified later on receiving a representation from Sri Md. Taher vide Diary Order No. 4) dated 17-7-1986. Thus the mistake committed by over sight was duly rectified. It is pertinent to state in this connection that the names indicated in the seniority list for these workers who have not been confirmed are not to be taken as final and only when they have been confirmed in any post the question of the seniority of one worker vis-a-vis the other arises. As on the date of the representation made by Sri Md. Taher, both of them are only working in officiating capacity in one post or other and they have not been confirmed as shown in the seniority list mentioned above and as such it cannot be taken as final. The said Sri Md. Taher had been confirmed vide Diary Order No. 81, dt. 18-10-1986 earlier to Sri M. Shiva Shankar. From this order of confirmation it would be seen that Sri Md. Taher was senior to Sri M. Shiva Shankar. Hence the revision of seniority and also the promotion of Sri Md. Taher to the post of Asst. Mistry are quite in order because they are totally based on facts and also according to the Government of India's instructions contained in Ministry's O.M. No. 9/11/55-RPs, dated 22-12-1959. It is submitted that in Diary Order No. 48, dated 17-7-1986 the seniority of Sri Md. Taher vis-a-vis Sri M. Shiva Shankar had been rightly revised duly considering all the facts and as per the instructions contained in Ministry's O.M. No. 9/11/55-RPS dt. 22-12-1959. The representation given by Sri Md. Taher as already stated had been examined and on the basis of the merits his seniority had been revised showing Sri Md. Taher as senior to the said petitioner Sri M. Shiva Shankar. Since he had ranked as first as per merit at the time of initial appointment, there is no need to give any show cause notice to the said Sri M. Shiva Shankar. The seniority becomes final only when an employee is confirmed and indicate as such in the seniority list. Before these two employees were confirmed there was a representation from the said Sri Md. Taher which was considered and the seniority was fixed correctly based on the facts as already stated in the foregoing paras. The seniority of any worker cannot be deemed as settled unless the workmen shown in the seniority list are confirmed. It is true that the Industrial Workers are covered by Standing Orders certified under the Industrial Employment (Standing Orders) Act, 1946. By the wages promotion, pay-scales, retirement benefits etc. are not covered by the Standing Orders and are therefore given only according to the instructions given by the Government from time to time and also as contained in the F.Rs. & S.Rs. Hence it cannot be said that any action taken in accordance with the Government's instructions but not provides in the Standing Orders are not correct. The said Sri Md. Taher had put in more than one year service at the time when he was promoted to the post of Asstt. Mistry as seen from the Diary Order No. 40, dt. 30-6-1986 according to which he was promoted with effect from 1-5-1985. It is pertinent to state in this connection that the said Sri Md. Taher and Sri M. Shiva Shankar were empanelled by Departmental Promotion Committee for promotion to the post of Grade I, on one and the same date, but pending de-reservation Sri Md. Taher was not promoted along with Sri M. Shiva Shankar with effect from 1-5-1985 initially. When de-reservation was given he had been promoted against the vacant post with retrospective effect i.e. 1-5-1985. Since he had completed more than one year in the feeder grade, he is perfectly entitled for promotion to the post of Asst. Mistry as per the Promotion Rules 1966. Hence the said promotion cannot be said to be incorrect in terms of the said Hyderabad Mint Industrial Workers Promotion Rules 1965. In view of the above, the relief sought by the said petitioner cannot be

granted. It is therefore prayed that this Hon'ble Court may be pleased to dismiss the petition.

4. The point for adjudication is whether the action of the Management in revising the seniority list of Electrician Gr. I dt. 17-7-1986 and denying Shiv Shankar promotion from the post of Electricians Gr. I to the post of Assistant Mistry is fair and justified?

5. W.W1 was examined on behalf of the Petitioner-workman and marked Exs. W1 to W7. On the other hand M.W1 and M.W2 were examined on behalf of the Respondent-Mint and marked Exs. M1 to M15.

6. W.W-1 is John Deva Priah. He deposed in brief that his name is John Deva Prayan, S/o B. Amadam. He is working as Asst. Mistry in the Government of India Mint, Hyderabad since 1950. He is the General Secretary of Bhartiya Mint Mazdoor Sangh and it is a registered Trade Union. Shiva Shankar first joined in the Government of India Mint service first on 11-5-82 as Electrician Grade II probationer on 12-5-1983. He was regularised as Grade II Electrician. On 1-5-1985 he was promoted as Grade I Electrician. The India Government Mint is an "industry", and its workmen are governed by the I.D. Act, and Standing Orders Act. The workmen are also governed by the Industrial Hyderabad Mint Industrial Workmen promotion rules 1965. As per the provisions of the Standing Order No. 22, the Government of India Mint is maintaining seniority lists of various categories of the workmen. Exs. W1 to W4 are the extracts of the seniority lists showing the seniority of Shiva Shankar just above Md. Taher during the years 1983 to 1986 respectively. The Management of India Government Mint issued the order dated 17th July, 1986 in D.O. No. 48, fixing the seniority of Shiva Shankar just below, Taher revising the seniority and it is Ex. W5. On the same date, while revising the seniority, the Management promoted Taher as Asstt. Mistry under Proceedings dated 17th July, 1986 in G.O. No. 49 as per Ex. W6. Ex. W7 are the photostat copy of their promotion-rules. As per Rule 9 thereof, the length of service required for higher grade of promotion for the post Mistry is a minimum period for 2 years, and for all other posts there should be a minimum period of 1 year. Hence the promotion of Md. Taher is not valid and proper. Shiva Shankar should have been promoted he being a senior having the minimum qualifying service in the feeder post. The dispute was raised by them and hence this reference.

7. M.W1 is K. Satyanarayana Murthy. He deposed in brief that he has been working as Chief Accounts and Administrative Officer in the India Government Mint, Hyderabad since 21st October, 1991. He is deposing by looking into the records, and he is not personally acquainted with the facts of this case. Sri Shiva Shankar and Mohd. Taher were selected as Apprentice Tradesmen Electrical. As per the merit list, Taher is placed in senior rank than Shiva Shankar at the time of selection. Shiva Shankar joined the service on 12th May, 1982 and Taher joined the services on 13th May, 1982. Ex. M1 is the Selection list with the enclosure of marks obtained by the candidates namely, Shiva Shankar and Mohd. Taher. Subsequently the seniority list was prepared and the said seniority list in the name of Shiva Shankar was shown as senior by one rank than Mohd. Taher taking into consideration the date of joining in the service by over sight. Ex. W1 is the true copy of the said seniority list. The mistake committed in preparing the seniority list was detected when Mohd. Taher submitted a representation dated 1st July, 1985. Then the mistake committed in the seniority list in Ex. W1 was rectified and Mohd. Taher was placed one rank higher than Shiva Shankar and a fresh seniority list was prepared and Ex. W5 is the copy of the said seniority list. Shiva Shankar appeared to the Joint Secretary against the seniority list in Ex. W5, and the appeal was rejected. Simultaneously the said Shiva Shankar filed OA No. 205/86 on the file of the Central Administrative Tribunal, Hyderabad Branch and the said case was dismissed by the Central Administrative Tribunal. Ex. M2 is the copy of the order in OA No. 205/86 of the Central Administrative Tribunal dated 31st July, 1986. Ex. M3 is the copy of the appeal filed by Shiva Shankar before the Joint Secretary, Currency and Coinage, Government of India. Ex. M4 is the copy of order of the Joint Secretary, Government of India dated 19th November, 1986 rejecting the appeal filed by Shiva Shankar. The rectification of the seniority between Shiva Shankar and Mohd. Taher was done

as per the rules. Ex. M5 is the photostat copy of the office memorandum dated 22nd December, 1959 of the Government of India, Ministry of Home Affairs.

8. M.W2 is Umesh Dongre. He deposed in brief that he has joined in India Government Mint Hyderabad in July 1991 as Asstt. Director (Cost). He is giving the evidence on the basis of records. The D.P.C. in respect of Industrial Workmen in India Government Mint, Hyderabad met on 28th and 29th of April, 1986 at 2.30 P.M. Ex. M8 is the minutes of the D.P.C. Md. Taher's name is empanelled at S. No. 101 at page 31 in Annexure 'D' of Ex. M9. He is recommended for the post of Asst. Maistry with effect from 1st May, 1986. Md. Taher's de-reservation proposal was cleared by the Ministry in the month of June or July 1986. Based on the said clearance he was confirmed in Grade I post and since he was already empanelled while D.P.C. held on 29th April, 1986, he was promoted to the post of Assistant Maistry. The criteria for promotion to Asst. Maistry i.e. one year feeder post service and 3 months probation was fulfilled. In respect of industrial workmen, standing orders of Mint are followed and wherever standing orders are silent, Central Government rules are applicable. Central Government Rules are applied for example like L.T.C., Pension, Gratuity etc., where there is no provision in the Standing orders. To the post of Asst. Maistry the criteria is the seniority subject to rejection of unfit in the case of Grade II, Grade I and Asst. Maistry. From Maistry post onwards criteria of selection-cum-seniority is followed. He cannot say the date exactly but he remembers the date of seniority in March, 1986. Ex. M9 is the decision regarding seniority. The Government of India granted approval for de-reservation of posts by an order dated 3rd February, 1986. Ex. M10 is the said order. Mr. Taher was promoted as Grade I with effect from 1st February, 1986 as per the orders dated 4th February, 1986. Ex. M11 is the said order. Mr. Taher was confirmed with effect from 1st May, 1985 by an order dated 30th June, 1986 as per Ex. M12. The decision regarding the seniority was taken on 5th March, 1986 and it was communicated to Taher on 15th March, 1986 as per Ex. M13 Memo by Diary Order No. 48 dated 17th July, 1986 seniority was restored. Ex. M14 is the said order. Mr. Taher was promoted as Asst. Mistry by issuing diary order No. 49, dated 17th July, 1986, since he was already empanelled. Ex. M15 is the said order.

9. The contention of the Petitioner-workmen is he was promoted to Grade I from 1st May, 1985 while Md. Taher was promoted to Grade I in D.O. No. 119 dated 4th February, 1986 w.e.f. 1st February, 1986, thus the petitioner is senior to Md. Taher by full nine months. While matter stood on 17th July, 1986 the Management issued D.O. No. 48 purported to act in terms of G.O. Is. O.M. No. 9/11/55-RPS. dated 22nd December, 1959 revising the seniority placing Md. Taher over M. Shiva Shankar and the same day issued D.O. No. 49 dated 17th July, 1986 promoting Md. Taher as Assistant Maistry. Hence the dispute.

10. While on the other hand, it is contended that the Petitioner M. Shiva Shankar and Sri Md. Taher have been initially appointed as probationary Tradesman on 12th May, 1982 and 13th May, 1982 respectively, that for their initial appointment both these workers had been selected in one Selection process wherein Sri Md. Taher had ranked first in merit and the Petitioner ranked second to him, that in the seniority lists notified by over-sight M. Shiva Shankar had been shown as senior to Sri Md. Taher instead of showing Sri Md. Taher as Senior to Sri M. Shiva Shankar, that this is purely an administrative error which had been rectified later on receiving a representation from Sri Md. Taher vide Diary Order No. 49 dated 17th July, 1986, that on the date of representation made by Sri Md. Taher, both of them are only working in officiating capacity in one post or other and they have not been confirmed as shown in the seniority list mentioned and as such it cannot be taken as final. Hence the promotion of Md. Taher cannot be said to be incorrect in terms of the Hyderabad Mint Industrial Workers Promotion Rules, 1965.

11. A perusal of Ex. M1 would reveal that after conducting the trade test and the oral interviews and scrutinising their testimonials and Employment Exchange Card etc., the Recruitment Committee found both the candidates fit for the post of Electrician in the order of merit given below:

1. Sri Mohd. Taher.

2. Sri M. Shiva Shankar.

It is recommended to G.M. to appoint the above two candidates as Electricians on ad hoc basis (underlined by me) till their verification of character etc. in view of urgency as two Electricians from the Mint have been selected on deputation to S.P.P. From the above statement it is clear that the two candidates have been selected on ad hoc basis. The contention of the Management is that by over-sight a seniority list was prepared showing Shiva Shankar as senior by one rank than Md. Taher taking into consideration the date of joining the service. Later on Md. Taher submitted his representation dated 1st July, 1985.

On the basis of the representation the case has been examined thoroughly and on the basis of the merits his seniority had been revised showing Sri Md. Taher as Senior to the said Petitioner Sri M. Shiva Shankar, as he had ranked as first as per merit at the time of initial appointment. Subsequently the Management rectified the error and issued revised Diary Order No. 49, dated 17-7-1986. Thus the mistake committed by over-sight was duly rectified. The contention of the Petitioner-workman was that no notice of proposed change was given to the effected person giving him an opportunity to show cause against the proposed action. It is pertinent to note that the names indicated in the seniority list for those workers who have not been confirmed are not to be taken as final and only when they have been confirmed in any post the question of the seniority of one worker vis-a-vis the other arises. As on the date of the representation made by Sri Md. Taher, both of them are only working in officiating capacity in one post or other and they have not been confirmed as shown in the seniority list mentioned and it cannot be taken as final. The representation given by Sri Md. Taher was already stated had been examined and on the basis of the merits his seniority had been revised showing Sri Md. Taher as senior to the said Petitioner M. Shiva Shankar. Since he had ranked as first as per merit at the time of initial appointment, there is no need to give any show cause notice to Sri M. Shiva Shankar. It is also pertinent to note that seniority is purely an administrative affair and that the Diary Order is perfectly legal. The argument of the Management is that the seniority of any worker cannot be deemed as settled unless the workmen show in the seniority list are confirmed. No doubt the said Sri Md. Taher and Sri M. Shiva Shankar were empanelled by Departmental Promotion Committee for promotion to the post of Grade I on one and the same date, but pending de-reservation Sri Md. Taher was not promoted along with Sri M. Shiva Shankar w.e.f. 1-5-1985 initially. As seen when de-reservation was given he had been promoted against the vacant post with retrospective effect i.e. 1-5-1985 since Md. Taher had completed more than one year in the Feeder Grade, he is perfectly entitled for promotion to the post of Assistant Maistry according to the Promotion Rules, 1965. Hence I find that there is no discrimination whatsoever and the revision of the seniority and subsequently promotion to the post of Assistant Mistry to Md. Taher are perfectly in order.

12. In the result, the action of the Management of India Government Mint, Hyderabad in revising the seniority list of Electrician Grade I vide diary Order No. 48, dated 17-7-1986 and the denying Sri Shiva Shankar promotion from the post of Electrician Grade I to the post of Assistant Mistry is fair and justified. The workman M. Shiva Shankar is not entitled to any relief.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 30th day of October, 1993.

Y. VENKATACHALAM, Industrial Tribunal

Appendix of Evidence

Witnesses Examined for the Workmen
W.W1 John Deva Priya

Witnesses Examined for the Management:

M.W1 K. Satyanarayana Murty

M.W2 Umesh Dongre

Documents marked for the Workmen

- Ex. W1/27-3-83/15-6-83—Photostat copy of the Notice dt. 27-3-83/15-6-83 of Administrative Officer with regard to Section wise Seniority lists of all Industrial Workmen (both Tradesmen and non Tradesmen) working in various departments as on 1-1-83 except Mazdoors are displayed on the Board.
- Ex. W2/10-1-84—Photostat copy of the notice dt. 10-1-84 of Administrative Officer with regard to Section wise Seniority lists of all the Industrial Workmen (both Tradesmen and non-tradesmen) working in various departments as on 1-1-84, except Mazdoors are displayed on the Board.
- Ex. W3/21-2-85—Photostat copy of the notice dt. 21-2-85 of Administrative Officer with regard to Section wise Seniority list of all the Industrial Workmen both tradesmen and non-tradesmen including Mazdoors working in various departments as on 1-1-85 are displayed on the Board.
- Ex. W4/24-2-86—Photostat copy of the notice dated 24-2-1986 of Administrative Officer with regard to Section wise Seniority list of all the Industrial Workmen (both non tradesmen and tradesmen) working in various departments as on 1-1-1986, except Mazdoors are displayed on the Board.
- Ex. W5/17-7-86—Photostat copy of the Diary Order No. 48, dt. 17-7-86 of the General Manager, India Government Mint (A.P.).
- Ex. W6/17-7-86—Photostat copy of the Diary Order No 49, dt. 17-7-86 of the General Manager, India Government Mint, Hyderabad (A.P.).
- Ex. W7—Photostat copy of the rules for promotion of Industrial workers at India Government Mint.

Documents marked for the Respondent-Management

- Ex. M1/5-5-82—Note submitted to G.M., with regard to appointment of Electrician.
- Ex. M2/31-7-86—True copy of the Order on O.A. No. 205
- Ex. M3/19-8-86—Copy of the Appeal of M. Shiva Shankar addressed to the Government of India.
- Ex. M4/19-11-86—Memo of the Ministry of Finance, Government of India issued to M. Shiva Shankar.
- Ex. M5/22-12-59—Xerox copy of the Office Memo of Ministry of Home Affairs, New Delhi regarding general principles for determining the seniority of various categories of persons in Central Services.
- Ex. M6/30-6-86—Copy of the Office Order placing Mr. Md. Taher on promotion to the post of Grade-I.
- Ex. M7/17-7-86—Copy of the Office Order placing Mr. Taher on promotion to the post of Asstt. Mistry.
- Ex. M8—Minutes of DPC.
- Ex. M9—Decision—Regarding Seniority.
- Ex. M-10—Order of derereservation of the reserved vacancies, IGM, Hyderabad.
- Ex. M11/4-2-86—Diary Order No. 119
- Ex. M12/30-6-86—Diary Order No. 40.
- Ex. M13/14-3-86/15—Memo No I-29/86/[Admn.]7811.
- Ex. M14/17-7-86—Diary Order No. 48.
- Ex. M15/17-7-86—Diary Order No. 49.

Sd/- Industrial Tribunal-I.

नई दिल्ली, 16 नवम्बर, 1993

का.मा. 2697.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-93 को प्राप्त हुआ था।

[संख्या एल-12012/260/90 आई आर. (बी-2)]

हरीश गौड़, डेस्क अधिकारी

New Delhi, the 16th November, 1993

S.O. 2697.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 16-11-93.

[No. L-12012/260/90-JR(B-II)]

H. C. GAUR, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. 4/91

Om Parkash Vs. Punjab National Bank

For the workman—Shri P. P. Ghai.

For the management—Shri M. S. Chohan.

AWARD

Central Government vide gazette notification No. L-12012/260/90 I.R. (B) dated 26th December, 1991 issued U/S 10(1) (d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Punjab National Bank in not allowing the benefit of one increment for the temporary service rendered on or after 1-1-1966 in terms of settlement dated 5-5-1979 to Shri Om Parkash, clerk/cashier is justified? If not to what relief the workman is entitled?”

2. Brief facts as set out in the present case that he had worked as peon for 325 days as temporary basis from August 1974 to July 1975. He was appointed on regular basis w.e.f. 15-7-1975 and since then has been serving the respdt. bank honestly with full satisfaction. He was also promoted to the post of clerk-cum-cashier w.e.f. 17-1-1985. His case is that there was settlement between the All India

Punjab National Bank Employees Federation and the management for which the management had agreed to allow one additional increment in the respective scale of pay and also pay dearness allowance thereon with retrospective effect from 1-4-1978 to such workmen who were appointed on temporary basis on or after January 1966 and also put in minimum 240 days or more of temporary service. The extract of settlement also reproduced. His grievance that in spite of the fact that he had put in 325 days of temporary service he has not been given the said benefit in spite of his representation made on 31-8-1985 for allowing the said increment on account of the said settlement. He also alleges that one Gulab Singh was also allowed benefit of the increment w.e.f. 1-4-1978 but the same has not been done in his case despite repeated requests. He has thus sought intervention of this Court for the grant of one additional increment w.e.f. 1-4-1978 alongwith arrears.

3. The management in their written statement has taken preliminary objection that the claim of the petitioner is in violation of the settlement dated 5-5-1979 being his claim is belated one. On merits it is admitted that the management agreed to allow such additional increment in the settlement with Employees Federation but however the claims were to be lodged by the concerned workmen in writing in the prescribed proforma on or before 31-7-1979. Later on the said dates was extended up to 31-10-1979 upon the intervention of the union. The plea of the management that all the claims lodged by the eligible employees within the stipulated period were allowed the additional increment. However the petitioner Om Parkash for the first time represented to the bank for claiming the said benefit on 31-8-1985 and evidently his claim was belated one and not maintainable in terms of the settlement referred to above and rightly rejected. In reply to the case of Gulab Singh's case, their stand is that said Gulab Singh lodged his claim in the year 1979 itself and his case is quite different from the case of the petitioner and sought the dismissal of the reference.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. The petitioner filed his affidavit Ex. W-1 in evidence. He also relied on documents Ex. W-2 to W-5. MW-1 S. S. Setia, Manager P.N.B. is the management witness. He filed his affidavit Ex. M-1 in evidence. The respective parties closed their case.

6. I have heard both the parties gone, through the evidence and record.

7. Only argument raised by the representative of the petitioner that the petitioner is entitled for the one additional increment for having put in more than 240 days of service as per agreement dated 5-5-1979 and his case is similar of Gulab Singh's case. The argument is devoid of any merit. Memorandum of Settlement has been placed on the record. Item No. 1 and Item No. 11 of the said settlement are relevant

for the decision of the case. They are reproduced as under :

Item No. 1 :

It is agreed that the management of Punjab National Bank (hereinafter referred to as management) shall allow one additional increment in the respective scale of pay and also pay dearness allowance thereon with retrospective effect from April 1, 1978 to any such of their workman as were appointed on temporary basis but were subsequently appointed either on permanent basis or as probationer on or after January 1, 1966 and had also put in minimum 240 days or more of temporary service for which wages had been paid during any 12 consecutive months prior to their appointment either on permanent basis or as probationer.

Item No. 11

It is agreed that workman concerned entitled to benefits under this Settlement shall apply in writing in the proforma enclosed vide Annexure III to the respective regional managers/Chief Managers/Divisional Chiefs of the Punjab National Bank so as to reach them latest by 31st July, 1979."

8. The legal position is, indeed not in dispute that as long as the settlement remain in force the same is binding on the parties entering into settlement. Similarity in the present case settlement dated 5-5-1979 arrived at between workman and the management is still in force. Therefore, the parties are to remain bound by the terms of the said settlement. There is also no dispute under the law that the settlement is bound on the parties as a whole and not as a part. Item No. 11 of the said agreement clearly stipulates that the concerned workman entitled to the benefit under the said settlement shall apply in writing latest by 31-7-1979. The said date was further extended to 31-10-1979. In that situation it was incumbent upon the petitioner to file his claim in that regard within the stipulated date as fixed in the settlement. However, he admittedly moved for the claim of the said benefit for the first time on 31-8-1985 after nearly six years from the cut off date. Thus his claim was rightly rejected by the management being not in conformity to the terms of settlement dated 15-5-1979 obviously being a belated one and not maintainable in terms of the settlement referred to above. When there is a settlement the object obviously to uphold the sanctity of the settlement and to discourage an individual employee from settling the same. Otherwise it shall amount to opening flood gates for multiple litigation.

9. The petitioner has pointed out that his case is similar to one Gulab Singh who was also given the benefit of an additional increment at a belated stage. His contention is again meritless. The case of Gulab Singh is no help to the petitioner. His case was of a marginal in nature. He moved the representation for the claim of said benefit in 1979 itself. Therefore, on account of his marginal lapse the manage-

ment had agreed to settle his case pending the adjudication.

10. In view of the discussion made in the earlier paras, the management is justified in not allowing the benefit of one additional increment for the temporary service of the petitioner. The reference is answered accordingly.

ARVIND KUMAR, Presiding Officer.

नई दिल्ली, 17 नवम्बर, 1993

का.आ. 2698.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ बड़ौदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-93 को प्राप्त हुआ था।

[संख्या एल-12012/589/86-डी/2(ए)]

हरीश सी० गौड़, डेस्क अधिकारी

New Delhi, the 17th November, 1993

S.O. 2698.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 16-11-93.

[No. L-12012/589/86-D.I.A.]

HARISH C. GAUR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Present :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, the 29th October, 1993

Industrial Dispute No. 65 of 1987

BETWEEN

The Workmen of Bank of Baroda, Hyderabad
.. Petitioner

AND

The Management of Bank of Baroda, Hyderabad
.. Respondent

Appearances :

M/s. V. Ramana and B. N. Ravi, Advocate for the Workman...Petitioner.

Sarvasri K. Srinivasa Murthy, P. Dhananjaya, Kumari G. Sudha and A. Visalakshmi, Advocates for the Respondent-Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/589/86-D.II(A) dt. 3-12-1987 referred the dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the Management of Bank of Baroda and their workmen to this Tribunal for adjudication :

“Whether the action on the part of the Management of Bank of Baroda in dismissing the services of Sri V. Anjaneya Sarma, Ex-Cashier w.e.f. 17-7-1985 is legal and justified ? If not, to what relief the workman is entitled ?”

This reference was registered as Industrial Dispute No. 65 of 1987 and notices were issued both the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman reads as follows :

The workman was appointed as Shroff/Godown Keeper on 21-10-1969 in the Bank of Baroda and posted at Hyderabad (Main) and worked there upto December, 1976; from December, 1976 to September, 1981 in Secunderabad; from September, 1981 till the date of dismissal at Barkatpura, Hyderabad. The workman continued to serve there till he was dismissed on 17-7-1985. The workman issued four cheques amounting to Rs. 4,500.00 from his savings Bank account which had no sufficient funds to some others who presented them in some branches. The fund position in his account did not improve by the time the said cheques were returned to Barkatpura Branch. He had, therefore, collected the cheques and preserved them safely with him with a view to meet them when he could make credit into his savings Bank account. The workman had no bad motive in keeping the cheques with him. His one and only intention was to have the cheques honoured as early as he could manage the required money. That on 28-3-1983 the Branch Manager, Barkatpura Branch enquired of the workman about these cheques. The workman explained the facts and circumstances, without concealing any thing, under which he had to issue the cheques and also assured him of immediate clearance and also confirmed in writing by his letter dt. 28-3-83 what he had explained to the Branch Manager. The workman had also cleared the amounts on 23-3-1983 and on 28-3-1983 respectively. Thereafter the Branch Manager had accepted workman's explanation and sent a report to the Regional Manager, Hyderabad, with this remarks recommending therein for a lenient attitude towards the workman in view of the fact, amongst others, that the workman's conduct in the cash department has been good throughout and he was very much sincere and highly cooperative and responsible for excellent customer service in the cash department

and there was no case against him for reported cash discrepancy. The Branch Manager had stated therein that the very fact that he had handed over the schedule together with the cheques and also made arrangements of cash to meet the cheques goes to prove that he has no intention to defraud the bank or implicate any one and the letter given by him further proves that he had no intention to put anybody into trouble but on himself. The Branch Manager made therein a brief but a pointed reference to his family position which undoubtedly and admittedly makes a sad reading. The Regional Manager, Regional Office, Bank of Baroda, Hyderabad, by his letter dt. 18-11-1983 served on the workman a charge sheet dt. 14-11-1983 containing two charges under Clauses 19.5(j) and 19.5(d) and informing the workman that Mr. A. R. Lakshmanan was appointed as enquiry officer and advising him to submit a written statement, if he so desires. Mr. Lakshmanan conducted the enquiry on 16-7-1984 at which the presenting Officer for the Management examined Mr. R. S. Shankaranarayana, Officiating Branch Manager as the witness for the Management (M.W. 1) and produced 11 documents (Ex. ME 1 to 11) and also produced three documents called for on behalf of the workman (DE-1 to DE-3). The workman participated in the enquiry and Mr. P. Vivekananda Rao assisted him as his defence representative with the permission of the management. The workman did not examine any witness, he requested the production of certain documents which have been duly produced at the enquiry by an officer of the Barkatpura Branch and straightaway admitted by the presenting Officer as the genuineness was not doubted and they are marked as DE 1(a), 2 and 3. He had also relied on the documentary evidence of Ex. M11 and the deposition of M.W.1. The hearing of the enquiry proceedings came to end on the same day i.e. 16-7-1984 at 5.00 p.m. The Presenting Officer had submitted his written arguments on 7-8-1984. In his arguments the Presenting Officer had, inter alia, stated that during the enquiry proceedings on 16-7-1984 the workman has accepted all the charges against him, but contended that he has not caused any prejudice to the bank nor any wilful damage. The Presenting officer has further maintained that the evidence put forth by him i.e. ME-1 to ME-11 and also by the corroborating evidence of M.W.-1 has proved that the workman has issued the four cheques without sufficient balance in his savings bank account, was aware of the purchase of these cheques by different branches and as such he was closely observing the inward post every day, removed all the four schedules from the post and that he came out with the schedules only after enquiry by the officiating Manager. He has further stated that the above facts have been admitted by the workman, thus establishing that he has made wrongful gain

to himself and wrongful loss to the Bank. In his arguments the Presenting Officer had dismissed the workman's contention that he has not caused any wilful damage as "no credence at all". Similarly was his treatment of the fact that the workman has not destroyed any of the property (viz. schedules and cheques) when he said that it would not exonerate the workman from the charges. According to the Presenting Officer, Mr. Y. D. Rao's case cited by the workman to point out discrimination, has neither any bearing on the present case nor would it disprove his guilt. Presenting Officer has then requested Enquiry Officer to ignore the evidence put forth by the charges employee as it was irrelevant in the present context. The Presenting Officer finally claimed that he has proved that the workman is guilty of all the charges and requested the Enquiry Officer to give a finding that all the charges are proved. Nowhere in his arguments did he discuss either the recommendations or the Branch Manager in Ex. M11 or the replies of M.W.1, to the cross examination by the workman and to the specific question put by the Enquiry Officer. The workman's representative submitted his written arguments on 20-8-1984. The Enquiry Officer submitted his report on 31-12-1984 with the finding that the charge that the workman did acts prejudicial to the interests of the Bank which is a gross misconduct under Clause 19(5) (i) of Bipartite Settlement of 1966 and the charge that the workman did acts causing wilful damage to the property of the Bank which is gross misconduct under Clause 19.5(d) of the Bipartite Settlement is proved. The workman respectfully submits that there are serious infirmities in the finding of the Enquiry Officer. The report is also perverse and is opposed to the principles of natural justice. The Disciplinary Authority has accepted this unacceptable report of the Enquiry Officer and agreed with his conclusion and issued a show-cause notice on the workman proposing there the punishment of dismissal without notice on both the aforesaid charges and informing the workman that if he so desired to show cause and to appear before him for a hearing on 27-5-1985 at Regional Office, Hyderabad. On 7-5-1985 the workman appeared before the Disciplinary Authority as directed and also submitted a written representation dated 7-5-1985 enumerating therein the grounds for exonerating him from the charges levelled against the workman. On 17-7-1985 the Disciplinary Authority issued the final order dismissing the workman from service. The impugned order singled out the workman and discriminated by taking disciplinary action against him while no action was taken against another similarly placed employee. That in view of the foregoing grounds the Disciplinary Authority's impugned order is unjust, unfair arbitrary and illegal and is liable to be set aside. Having been aggrieved of the order of the Disciplinary Authority the workman preferred an appeal to Asstt. General Manager, Bank of Baroda, Madras, who is the Appellate Authority. During the personal hearing before the Appellate Authority the workman has represented in the same way as he did before the Disciplinary Authority and reiterated his submission. The Appellate Authority has however rejected the said representation and upheld the order dated 17-7-1985 of the Disciplinary Authority by its order dated 7-11-1985. It is therefore, prayed that this Hon'ble Tribunal may be pleased to hold that the

dismissal is illegal and unjustified and to set aside the impugned order of dismissal of the Disciplinary Authority and as upheld by the Appellate Authority and to direct reinstatement of the workman with continuity of service together with back wages and attendant and consequential monetary and other benefits from the date of dismissal till the date of reinstatement under Section 11-A of the I.D. Act.

3. The brief facts of the counter filed by the Respondent's Bank, read as follows.—It is submitted that the Workman in dispute, Shri V. Anjaneya Sarma was recruited in the clerical cadre on 21st October, 1969 and he was assigned the duty of Head Cashier 'C' Category at Barkatpura Branch of the Respondent Bank at Hyderabad w.e.f. 24-8-1981. The allegation that during his 15 years of service, the workman discharged his services sincerely and honestly is not correct. It may be noticed that while this workman was working at Barkatpura Branch, there was a cash shortage of Rs. 13,700.00 which was detected at the time of cash counting on 31-12-1984 in the presence of the workman, Manager, Accountant and two other officers. The workman Sri Anjaneya Sarma slipped out of the Branch and handed over the cash keys to the Peon of the Branch outside the Branch premises. He also absconded thereafter. He was arrested by the Police on 27-2-85 and remanded to judicial custody. Later on, he has obtained bail on 27-2-1985 from the Metropolitan Sessions Judge. With regard to the above misconduct, a criminal case C.C. No. 35 of 1985 is pending on the file of XVII Metropolitan Magistrate, City Courts, Secunderabad. As such the allegation that he is having unblemished service record is not correct. It is submitted that the workman in dispute issued four cheques dated 20-12-1982, 20-1-1983, 16-1-1983 and 15-1-1983 totalling to Rs. 4,500.00 in favour of four other staff members of outstation branches, i.e. Kakinada, Mukumpeta and Vijayawada. The said outstation Branch purchased the said cheques on behalf of their staff members on 24-12-1982, 22-1-1983, 20-1-1983 and on 5-2-1983 respectively. In normal course, these cheques were sent for outside realisation and they could not release the cheques by debiting to the account of Sri Anjaneya Sarma as Sri V. Anjaneya Sarma stealthily removed the said cheques from the daily mail and kept in his illegal custody till reminders came from the outstation Branches. It may be noticed that the petitioner has issued the cheques to the staff members without having the balance in his Account, which is nothing but a criminal breach of trust. As a Bank Employee, this petitioner is fully aware that a person is not supposed to issue cheques to the third parties without having balance in his account. The workman subsequently gave a representation to the management and assured that he would clear all cheques, which is nothing but only an excuse, to save himself from the criminal misdemeanor. Clearing the amounts on 23-3-1983 is not going to exonerate the workman from his misconduct. Clearing the amount is to discharge his obligation to the persons to whom he has issued the cheques. But, so far as withholding the document is concerned, it is an illegal act done by the workman in dispute by misusing his official capacity. When the discrepancy arose, the Petitioner admitted the discrepancy. When he disowned his responsibility and absconded from the

service, his brother Sri V. Durga Prasad came and paid the cash in the Branch. The documents and letters and undertakings given at that time clearly indicate the conduct of this petitioner. It is true that after receiving the reports from the Branch Manager, the Regional Manager initiated disciplinary action and issued charge sheet on 14-11-1983. In spite of giving a fair opportunity to the workman, for reasons best known to himself, this workman has not submitted his explanation. As such, the Management has appointed one Mr. Lakshmanan as an Enquiry Officer to conduct an enquiry on 16-7-1984, and one Mr. R. S. Shankaranarayana was the Management representative and the workman in dispute was assisted by one Mr. P. Vivekanada Rao and during the enquiry, both the parties have filed the documents and full and fair opportunity was given to the petitioner as per the principles of natural justice. This Hon'ble Court may be pleased to read the proceedings of the enquiry and the findings of the Enquiry Officer as part and parcel of this counter. The evidence given by M.W1 does not exonerate the offence committed by the workman. It is respectfully submitted that the Enquiry Officer after completing his enquiry, in normal course submitted his findings to the Management and the Respondent Management applied its mind, gone through the entire record and past record of this petitioner and passed the dismissal order dated 17-7-1985. The allegation that the Enquiry Report is also perverse and is opposed to the principles of natural justice is not correct. In view of the petitioner making the said allegation, it is respectfully submitted that this Hon'ble Tribunal may be pleased to decide the validity of the domestic enquiry as a preliminary issue before going into the merits of the case. The allegation the findings of the Enquiry Officer betrays lack of application of his mind and is thereby vitiated is not correct, and the Petitioner is put to strict proof of the same. It is respectfully submitted that action has been taken against this on principles of natural justice and on fair determination by the Management. The allegation that there is arbitrariness is not correct. Having applied its mind, and looking into the past record of the petitioner, the Disciplinary Authority imposed the punishment of dismissal. According to the procedure, the Management has issued the show cause notice indicating the proposed punishment and the petitioner was called for a personal hearing and the management heard the petitioner once again judiciously before passing the dismissal order. It is true that this workman submitted a written representation to the management requesting the Management to exonerate him from the charges mentioned in the charge sheet dt. 14-11-1983. The Disciplinary Authority passed the order of Dismissal on 17-7-1985 which is as per law. The allegation that the Disciplinary Authority ought to have referred the M.W1's evidence in the dismissal order is not correct, and this Petitioner has chosen to rely on M.W1's evidence for negating the charges. It is submitted that the Disciplinary Authority according to the procedure applied its mind and passed the dismissal order. The arguments put forth in this para do not suit to the case of the Petitioner. The Disciplinary Authority has agreed with the findings of the Enquiry Officer basing upon the Enquiry proceedings, and documents only. Issuance of cheques and withholding them is clearly

intentional. It is submitted that the Enquiry Officer's report is not defective. Further the Disciplinary Authority has not used either his personal or private opinion to pass the order of dismissal. The Disciplinary Authority has rightly come to the conclusion that the facts of this workman are fraudulent in nature, there is dishonesty and lack of integrity and the very act is detrimental to the interests of the employees. If the same act has been done by the workman to the outsiders, the Bank would have lost confidence and credibility and the very act might have brought down the reputation of the Bank. The various grounds given stating that the Appellate Authority's order is bad in law are not correct. With reference to the grounds (a) to (f) the allegation that the Appellate Authority has not applied its mind judicially and simply allowed to be swayed by the enquiry report is not correct. The allegation that the Appellate Authority has taken into consideration the charges which have not been alleged against the workman is not correct. In ground No. (d), the M.W1's evidence has once again been reiterated and this petitioner is solely relying on the M.W-1's evidence and trying to some how or other to get himself exonerated from the misconduct committed by him. No partial attitude has been shown by any of the Bank Officers to initiate the disciplinary action. The allegation that the Appellate Authority was influenced by the charge is not correct. The allegation that the order passed by the Appellate Authority is arbitrary, illegal, unjust and disproportionate to the charges levelled against the Petitioner is not correct, and the Petitioner is put to strict proof of the same. It is respectfully submitted that as the Management has passed the order according to law after applying its mind and looking into the past record, the claim of this petitioner that he is entitled for reinstatement with continuity of service together with back wages and attendant and consequential monetary and other benefits is not correct. The punishment being proportionate to the misconduct, the question of interfering with Section 11(A) does not arise. The material facts are stated in wrong perspective. In fact some officer has suggested for voluntary arbitration to which, the management has not agreed, as it is a case of gross misconduct. It is respectfully submitted that no case has been made by this Petitioner and the Petitioner is not entitled for reinstatement, or back wages with continuity of service and attendant, consequential monetary and other benefits. This Hon'ble Tribunal may be pleased to dismiss the petition and confirm the order passed by the Management.

4. The brief facts of the rejoinder filed by the Petitioner-workman read as follows :—The counter is without any substance and suffers from mis-statement of facts, mis-interpretation of the statement of claim, mis-appreciation of materials on record and legal position and introduction of irrelevant, unrelated, illegal and unsubstantiated issues which are outside the scope of order of reference and adjudication. It is submitted that the management has mixed up in their counter issues under reference with alleged incident which is stated to have taken place long after the conclusion of the enquiry proceedings, and which are unrelated, irrelevant, unestablished and which are in breach of Section 10(4)

of the I.D. Act. It is therefore necessary to separate the related issues from the unrelated. Whatever the workman has submitted in his statement of claim was only borne out of the enquiry proceedings and are proved and admitted. The management therefore cannot now characterise them as incorrect and put the workman to strict proof. With reference to the unrelated issues, i.e. alleged subsequent lapse, they are denied. The workman is not responsible for the alleged shortage of Rs. 13,700.00. The management lodged FIR about two months after the date of alleged incident and the delay remained unexplained. The FIR contains two names inclusive of the workman. Subsequently it was so managed that the other accused was dropped out. At any rate this issue is subjudice and it was not proper for the Management to raise this issue. It is respectfully submitted here that the enquiry commenced and concluded on 16-7-1984 whereas the Enquiry Officer has submitted his report on 31-12-1984 and this is the very day on which the alleged detection is stated to have taken place. Although the charges have not been proved and the management has no grounds to dismiss the workman, under the influence of the alleged subsequent unrelated incident, the management decided to get rid of this workman and the dismissal order was the result. The workman has collected and preserved the cheques safely with a view to meet them when he could make credit into his savings bank account. All these facts have been explained to the Branch Manager and also cleared the amounts on 23-3-1983 and 28-3-1983 respectively. It is submitted that the workman has not been given opportunity to submit his written explanation before ordering the enquiry. It is admitted that proper opportunity was given to the workman at the Enquiry and in fact the same has been acknowledged in the written arguments, submitted on behalf of the workman. The allegation that the material facts with regard to the domestic enquiry and the evidence was not given in correct perspective and the evidence given by M.W1 does not exonerate the offence committed by the workman are denied. It is the management which is guilty of this very same accusation. It is not for the management to say that the workman's defence is not correct. It is for this Hon'ble Tribunal to decide. Nowhere either the Enquiry Officer or the Disciplinary Authority or the Appellate Authority have referred to the reply of M.W1 to the cross-examination and the Ex. M11. It is submitted that the Enquiry Officer's finding is perverse and the dismissal order is illegal as submitted in the statement of claim. The report is full of errors patent on the fact of the record and suffers from lack of application of his mind, objectivity and impartiality and is perverse and opposed to the principles of natural justice. He has only submitted that the Disciplinary Authority did not refer to the complete evidence of M.W1. The order of dismissal dt. 17-7-1985 is not according to law. The workman has only submitted that the Disciplinary Authority has treated the enquiry as an empty formality. It is submitted that if the Disciplinary Authority has given his attention to the norms of punishment he would not have given the punishment as he did which is grossly and shockingly disproportionate to the gravity of alleged misconduct even presuming that the charges as framed are proved. It is true that the workman was given opportunity of personal

hearing, but the Appellate Authority was more influenced by the Enquiry Report and did not apply his mind properly and allowed himself to be swayed away by this personal opinion and the Appellate Order is therefore bad in law. It is submitted that this is a fit case and this Hon'ble Tribunal may be pleased to interfere under Section 11-A of the I.D. Act and to set aside the order of dismissal. According to the materials on record the charges as framed have been disproved and the workman is entitled to reinstatement with back wages, continuity of service, together with attendant consequential monetary and other benefits.

5. After marking the documents and hearing the arguments, this Tribunal passed an Award on 17th October, 1988 finding that the action of the Management of Bank of Baroda in dismissing from service of V. Anjencya Sharma, Ex-Cashier with effect from 17-7-1985 is legal and justified. The workman is not entitled to any relief in this industrial dispute. Aggrieved by this Award, the Petitioner-Workman preferred a Writ Petition No. 3910 of 1989 and the Hon'ble High Court passed the Order; with the observation given below :

"Least para.)

The Industrial Tribunal was carried away by the fact that the prosecution was launched and also prejudiced on this account. I am not for a moment advocating that the petitioner should be awarded a lesser punishment, but I am of the view that the aspect under Section 11-A of Industrial Disputes Act, 1947 was not considered in proper perspective, and that the Industrial Tribunal was carried away by the said factor, viz., he was being prosecuted even though the past conduct of the petitioner was good and that he hails from a respectable family. Be that as it may, as the criminal prosecution has ended in acquittal of the petitioner, I feel it just and equitable to remit the matter back to the Industrial Tribunal for consideration afresh under Section 11-A of Industrial Disputes Act, 1947 as to whether this is a fit case for awarding any lenient punishment. It is, however, made clear that exercise of this power under Section 11-A is left to the exclusive domain of the Industrial Tribunal and he shall decide the same without being influenced by any of the observations made herein. The Industrial Tribunal shall dispose of the matter within 3 months from the date of receipt of a copy of this order."

In view of the above order of the Hon'ble High Court, this Tribunal has to decide whether it is a fit case in which the Tribunal should invoke its powers under Section 11-A of the I.D. Act and impose a lesser punishment in lieu of dismissal, even though there is sufficient material to form basis for recording the finding of guilt against the petitioner and as such the same is affirmed. Now here is, the case where the Bank employee who is expected

to conduct himself in an honest and upright manner has deliberately and in a planned manner tempered with the records and clandestinely removed the cheques that were in the Inward tappals. Only when the Petitioner was caught, he came out with the documents. The action of the petitioner-workman is one which would shake confidence of the public in a Banking Institution. A perusal of Ex. 27 dt. 7-11-85 an order of the Appellate Authority in the matter of the Appeal dt. 17-9-1985 filed by Sri V. Anjaneya Sarma against the order of Sri K. A. P. Suryaprakasa Rao, Disciplinary Authority. It observed the following at page 8 of the Ex. M 27, which reads thus :

"I have given a careful consideration to the pleas of the Appellant. I cannot persuade myself to take a lenient view of the grave misconduct committed by the employee in a credit institution. Employees like Mr. V. Anjaneya Sarma are a potential source of danger to their colleagues also I have, therefore, reluctantly come to the conclusion that the imposed punishment cannot be reduced. Such acts of gross misconduct warrant deterrent punishment not less than dismissal. Thus, I cannot accept the pleas arguments to the Appellants. Therefore, the appeal fails and is hereby dismissed."

In view of the above, the Disciplinary Authority has rightly come to the conclusion and ordered that the acts of this workman are fraudulent in nature, there is dishonesty and lack of integrity and the very act is detrimental to the interests of the employees. The family circumstances cannot be any way to judge a particular misconduct. It is true the Bank officials deal with public money and they are in a position of trust and confidence. A higher level of honesty and integrity is expected from a Bank employee. When the misconduct committed is very serious the question of going into his past record does not arise and even otherwise for fraudulent action even assuming his past record was good that does not enable him to go scot free. I feel that this is not a case in which Section 11-A of the Industrial Disputes Act can be invoked. As observed the gross misconduct is one which deserve condign and deterrent punishment. Though this Tribunal having gone through all the records and findings, it cannot interfere in invoking Section 11-A of the I.D. Act in this case. On the consideration of the evidence, facts and circumstances of the case, I am clearly of the view that the imposition of the punishment of dismissal is perfectly justified.

6. In the result, the action of the Management of Bank of Baroda in dismissing from services of V. Anjaneya Sarma, Ex-Cashier with effect from 17-7-1985 is legal and justified. The workman is not entitled to any relief in this industrial dispute.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 29th day of October, 1993

Y. VENKATCHALAM, Industrial Tribunal

Appendix of Evidence.

Witnesses Examined
for the Workmen :

NIL

Documents marked for the Workmen :

NIL

Documents marked for the Management-by consent.

- Ex. M1/By consent.—Letter No. STF/12/42 dt. 29-3-83 addressed to Regional Manager, A. P. Branches, Bank of Baroda by the Acting Manager, Barkatpura Branch, Hyderabad reporting the incident.
- Ex. M2/By consent.—Letter dt. 28-3-83 addressed to the Manager, Bank of Baroda, Barkatpura, Hyderabad by Anjaneya Sarma.
- Ex. M3/By consent.—Charge Sheet dt. 14-11-83 issued to Anjaneya Sarma by the Disciplinary Authority.
- Ex. M5/By consent.—Order dt. 18-2-84 issued by the Disciplinary authority appointing A. R. Lakshmanan, on the enquiry officer.
- Ex. M5/By consent.—Order dt. 18-2-84 issued by the Disciplinary Authority appointing S. B. G. Sarma as the Presenting Officer.
- Ex. M6/By consent.—Notice of Enquiry dated 23-5-84 issued to V. Anjaneya Sarma by the Enquiry Officer.
- Ex. M7/By consent.—Statement of S. B. A/C No. 4413.
- Ex. M8/By consent.—Cheque No. 0060257 dt. 15-1-83 for Rs. 1500/- along with voucher copy dt. 28-3-83.
- Ex. M9/By consent.—Cheque No. 0060258 dt. 16-1-83 for Rs. 1000/- along with Voucher copy dt. 28-3-83.
- Ex. M10/By consent.—Cheque No. 0060260 dt. 20-1-83 for Rs. 1000/- along with voucher copy dt. 23-3-83.
- Ex. M11/By consent.—Cheque No. 0060247 dt. 20-12-82 for Rs. 1000/- along with Voucher copy 23-3-83.
- Ex. M12/By consent.—List of documents produced as evidence by S.B.G. Sarma, Presenting Officer, on behalf of the Management.
- Ex. M13/By consent.—Voucher copy dt. 27-7-78 for Rs. 4000/-.
- Ex. M14/By consent.—Cheque No. 0035690 dt. 15-5-78 for Rs. 4000/-.
- Ex. M15/By consent.—Memorandum of list of documents furnished by Defence represen-

Witnesses Examined
for the Management :

NIL

tative before the enquiry officer, Bank of Baroda Zonal Office, Madras.

Ex. M16/By consent.—Enquiry Proceedings.

Ex. M17/By consent.—Arguments on behalf of the management in the departmental enquiry against V. Anjaneya Sharma head Cashier, Bank of Baroda Barkatpura Branch Hyderabad.

Ex. M18/By consent.—Letter dt. 7-8-84 addressed to Defence representative by S. B. G. Sarma, presenting officer with regard to Departmental enquiry against V. Anjaneya Sarma and Copy to A. R. Lakshmanan.

Ex. M19/By consent.—Letter dt. 7-8-84 addressed to A. R. Lakshmanan by S.B.G. Sarma, with regard to departmental enquiry against V. Anjaneya Sarma.

Ex. M20/By consent.—Arguments of the defence representative dt. 20-8-84.

Ex. M21/By consent.—Letter dt. 20-8-84 addressed to Lakshmanan by P. Viveknanda Rao with regard to Departmental enquiry against V. Anjaneya Sarma.

Ex. M22/By consent.—Photostat copy of the Enquiry Report dt. 31-12-84.

Ex. M23/By consent.—Notice dt. 29-4-1985 issued by Disciplinary Regional Manager (A. P.) Bank of Baroda to V. Anjaneya Sarma.

Ex. M24/By consent.—Proceedings of the hearing on the proposed punishment to V. Anjaneya Sarma dt. 7-5-85.

Ex. M25/By consent.—Representation dated 7-5-85 made by V. Anjaneya Sarma to the Disciplinary Authority.

Ex. M26/By consent.—Final Order (Dismissal Order) dt. 17-7-85 passed by Disciplinary authority (Regional Manager).

Ex. M27/By consent.—Order of the Assistant General Manager, Appellate Authority dt. 7-11-85 (7-11-85).

G. V. CHANDRAN, Industrial Tribunal-I.

नई दिल्ली, 25 नवम्बर, 1993

का.आ. 2699.—केन्द्रीय सरकार में यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (5) के उपबंधों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1361 तारीख 31 मई, 1993 से छ मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ मास की और कालावधि को बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 30 नवम्बर, 1993 से छ मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एल-11017/10/81-डी-1(ए)]

एस.एस.पराशर, अवसरसचिव

New Delhi, the 25th November, 1993

S.O. 2699.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S. O. 1361, dated the 31st May, 1993 the Security Paper Mill, Hoshangabad, to be a public utility service for the purposes of the said Act, for a period of six months from the 31st May, 1993 ;

And whereas, the Central Government is of opinion that public interests requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 30th November, 1993.

[No. S-11017/10/81-D. 1 (A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 26 नवम्बर 1993

का.आ. 2700.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, देना बैंक के प्रबंधन के संबंध में निरदिष्ट औद्योगिक विवाद में कर्मचारियों के बीच, अनुबंध में निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-93 को प्राप्त हुआ था।

[संख्या एल-12011/40/91-आई आर (बी-2)]

वी. के. वेणुगोपालन, डैस्क अधिकारी

New Delhi, the 26th November, 1993

S.O. 2700.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute

between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 15-11-93.

[No. L-12011/40/91-IR(B-II)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 3 of 1992

PARTIES :

Employers in relation to the Management of Dena Bank

AND

Their Workmen.

PRESENT :

Mr. Justice Manash Nath Roy, Presiding Officer.

APPEARANCES :

On behalf of Management : Mr. S.P. Ram, Manager (Personnel).

On behalf of Workmen : None.

STATE : West Bengal. INDUSTRY : Banking.

AWARD

By Order No. L-12011/40/91-IR(B.II) dated Nil, which was received by the Tribunal on February 6, 1992, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Dena Bank by installing computer at Regional Office, at 225, A.J.C. Bose Road, Calcutta is justified as per Clause 5 of agreement dated 17-9-1984 and Clause 21 of agreement dated 29-3-1989 ? If not, to what relief is entitled in the matter ?"

2. When the case was called out today, nobody appeared for the Union but Mr. S. P. Ram, Manager (Personnel) of the Bank was present on behalf of the Management.

3. It appeared from the terms of settlement as filed on August 30, 1993, that the dispute between the parties have been settled out of Court.

4. In such view of the matter, as submitted by the learned representative of the Management, there is no use of pursuing the matter further. As such, without going into the merits of the case and as per the terms of the settlement, I dispose of the matter.

5. It should also be noted that the original of the settlement has been produced and the same has been returned after comparing with the xerox copy.

This is my Award.

Dated, Calcutta,

The 11th October, 1993.

MANASH NATH ROY, Presiding Officer

MINUTES OF THE MEETING BETWEEN DENA BANK EMPLOYEES UNION (W. B.) AND MANAGEMENT OF DENA BANK AT HEAD OFFICE, BOMBAY ON 25TH AND 27TH JULY, 1993

The following were present :

Management Representatives :

- (1) Shri S. M. Parikh,
General Manager (PASB)
- (2) Shri M. S. Sawhney,
Dy. General Manager (P&C)
- (3) Shri G. R. Nevrekar,
Asstt. Gen. Manager, Calcutta.

Union Representatives :

- (1) Shri K. K. Bhattacharya, President.
- (2) Shri Hasmukh Desai, General Secretary.

The Dena Bank Employees' Union, Calcutta Region (through Eastern Regional Council) have been agitating with regard to the filling up of vacancies in subordinate cadre, settlement of dispute with regard to the canteen at Park Street Branch, Calcutta etc. During the agitation customer service was affected and as a result two employees were placed under suspension.

With a view to sort out the matter and to prepare a peaceful atmosphere, the representatives of the Dena Bank Employees Union (W.B.) and the Management met at Head Office, Bombay on 26th and 27th July, 1993 to discuss the matters and to sort out the problems. The following points were discussed.

(1) As regards appointment of empanelled persons in subordinate cadre, the matter was discussed in detail and it was decided to continue the discussions further at corporate level keeping in view the existing norms/All India Settlements.

(2) The union regretted the inconvenience caused to the customers on account of disruption of clearing during the period of agitation and they have said that the two employees who have been placed under suspension have acted at the call of the union and since the Management is negotiating the matter, it would be appropriate if the suspension orders of the employees are withdrawn. The union would withdraw the agitation and bring normalcy with a view to create a congenial atmosphere. The Management agreed to withdraw the suspension order and stated that back-wages to the employees during the period of their suspension would not be paid. The union agreed to the above terms and accordingly the Management agreed to revoke the suspensions w.e.f. 19-7-93.

(3) The Management said that the matter of rotation of employees from one branch to another have been discussed with the union on numerous occasions and they have agreed that they will co-operate with the local Management for effecting the rotation of employees but still the matter has not pro-

gressed further and it is high time that employees who have completed more than 5 years and more stay in one branch should be rotated from one branch to another branch within the centre. The Union agreed on the rotation on point to point basis. The Management said that with the point to point criteria, the Management is not in a position to redeploy the manpower at the point of need. The Union said that the Management should discuss the matter with the Union and thereafter the redeployment may be done as per mutually agreed formula.

(4) The Management also brought to the notice of the Union regarding installation of ALPMs in Calcutta Branches. The Management said that previously when Banknet was to be introduced, the matter was taken in adjudication and the matter is pending before the Tribunal, although no computerisation of banking operations is involved. After discussions the union agreed that they will not proceed further with the matter before the Tribunal and they suggested, to begin with ALPMs may be installed in Brabourne Road Branch, Calcutta and the union also wanted to know what incentives the Management would give to the employees with regard to the introduction of partial computerisation in Brabourne Road Branch, Calcutta. The Management said that as they understand the AIBEA has already entered into a settlement with the IBA with regard to computerisation and as and when the matter is implemented that would take care of this aspect also. Further, whatever, allowances etc. are being paid to the employees at other branches at Dena Bank, the same pattern would be followed.

(5) The Union brought to the notice of the Management the difficulties being faced by the employees in Project Areas with regard to the residential accommodation. The Management said that on representation by AGM, Calcutta, the Management has already enhanced the limit for acquiring accommodation and now there should not be any difficulty in acquiring accommodation. The union said that the landlords are not forthcoming to give accommodation in the name of the Bank and for that they are asking for exceptionally higher rent and even then they are reluctant to give the accommodation in the name of the Bank. The Management was of the opinion that knowingly we should not introduce the practice of giving rent subsidy to the employees. The

Union assured the Management that their intention was not to give cash benefit to the employees, if after making necessary efforts the Bank is not in a position to provide accommodation to the employees, then the accommodation may be taken by the employees in their own names and in that event the Management may pay rent through pay-orders/cheques directly to the landlords and if at any time any instance comes to the notice of the Management that some employee who is required to stay in the accommodation token by him in his own name is misutilised and/or is not staying in the accommodation, then the Bank may proceed against the employee.

(6) As regards Park Street Branch matter the union said the Management is not taking steps to handover the canteen back to the union. The Management said that the matter is subjudice and the Management would abide by the decision of the court. The Union stated that the case is for disbursement of subsidy and it has nothing to do with the Management of the canteen. Statusquo ante in regard to the management of canteen as per the order of ALC(C) should be restored. The Management mentioned that even ALC(C), Calcutta has been made a party to the dispute, which is before High Court, Calcutta. The Bank stands by the instructions conveyed vide circulars dated 26-2-1987 and 24-8-1987 issued by the Regional Manager, Calcutta.

The meeting ended with thanks to the chair and the union agreed to restore normalcy and the Management assured that there would be no victimisation.

Sd./-

S.M. PARIKH
GM(PASB)

Sd./-

G.R. NEVREKAR
AGM, Calcutta

Sd./-

M. S. SAWHNEY
DGM(P&C)

Sd./-

K.K. BHATTACHARYA

President
Sd./-

HASMUKH DESAI
Convenor

V. K. VENUGOPALAN,
Desk Officer

